

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.108 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- SC/ST District- Gopalganj

Umar Ali @ Bhola @ Sheikh Bhola S/O Yasin Mian @ Yasim Sheikh Village-
Dhamapakar, P.S.- Manjhagarh, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi W/O Sanjay Ram Village- Dhamapakar, P.S.- Manjhagarh,
District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Javed Aslam, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For R. No. 2	:	Mr. Bijay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 12.11.2024 passed by learned Additional Sessions Judge-XI-cum- Exclusive Special Judge (SC & ST), Gopalganj in ABP No. 2524 of 2024 in connection with Gopalganj SC/ST P.S. Case No. 49 of 2024, instituted under Sections 126, 115(2), 76, 303(2), 329(3), 324(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(i)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. Prosecution case, in brief, is that on 18.07.2024 at about 8 AM, while informant was constructing house and watering the wall, in the meantime, all the F.I.R. named accused persons including this appellant came there and started molesting her and assaulted her with deadly weapons and abused her by caste name.

4. Learned counsel for the appellant submits that specific accusation of molestation is against co-accused Laddan. Allegation of assault is general and omnibus. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC & ST), Gopalganj in connection with Gopalganj SC/ST P.S. Case No.



49 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.11.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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