

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1770 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Algu Sah Son of Late Rogi Sah Resident of Village- Usari, P.S. Mohania, District- Kaimur at Bhabhua
2. Krishna Kumar Gupta @ Mukesh Kumar Gupta @ Tiger Son of Algu Sah Resident of Village- Usari, P.S. Mohania, District- Kaimur at Bhabhua

... .. Appellant/s

Versus

1. The State of Bihar
2. Jiwan Kumar Son of Sri Gulabchand Ram Resident of Village- Usari, P.O.- Akodi, P.S. Mohania, District- Kaimur at Bhabhua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 29-01-2026 Heard learned counsel for the appellants and learned
Special P.P. for of the State.

2. This appeal has been filed against the order dated 04.03.2024 passed by learned I/c Additional Sessions Judge-1, Kaimur at Bhabhua, in connection with Mohania P.S. Case No. 66 of 2024, registered under Sections 341, 323, 379, 427, 504, 506 of the IPC and Section 3(1)(r)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants have been rejected.



3. As per prosecution case, informant alleged that on 18.01.2024, the accused persons including the appellants assaulted informant's brother and tried to outrage the modesty of informant's brother's wife. It is further alleged that the accused persons abused them by caste name and looted gold Mangalsutra along with Rs. 10,500/- cash.

4. Learned counsel for the appellant submits that both the parties are co-villagers and due to political rivalry this false case with concocted story has been lodged. The FIR is lodged after delay of 4 days without explanation of delay. Allegation of assault is general and omnibus. It is not the case of informant that any member of public was present and hence, no case of SC/ST Act is made out against the appellants.

5. Learned counsel for the learned Spl. Public Prosecutor for the State opposed the appeal of the appellants.

6. However, considering the aforesaid facts and circumstances and clean antecedent, the impugned order dated 04.03.2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellants, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned I/c Additional Sessions Judge-1, Kaimur at Bhabhua in
connection with Mohania P.S. Case No. 66 of 2024.

(Prabhat Kumar Singh, J)

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