

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1787 of 2022**

Arising Out of PS. Case No.-29 Year-2020 Thana- SC/ST District- Sitamarhi

SADAM HUSSAIN @ MD SADDAM HUSSAIN S/o Late Wakil Ansari
Resident of Village- Heera Kanhauli, P.S.- Parsauni, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Md. Shamimul Hoda, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Shankar Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 09-07-2026 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 11.04.2022 passed in a case registered for the offence punishable under Sections 341, 342, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

3. As per prosecution case, on 12.08.2020 in the evening, when the informant went to the house of Mukhiya



Noorjahan Khatoon for talking about electrification and construction of road in his colony and complained her that the members of Schedule Caste community are being neglected, co-accused Noorjahan Khatton and this appellant, who happens to be her son, stated abusing him with caste based slurs and assaulted him. It is further alleged that thereafter, other F.I.R. named accused persons came and abused and assaulted informant and when Sajan Paswan and Bittu Paswan came to rescue him, they were also assaulted by means of *lathi* and *danda* and the accused persons also snatched their gold chain and cash.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case due to village politics merely because he happens to be son of Mukhiya Noorjahan Khatoon. Allegation of assault and abused by caste name is general and omnibus and no specific accusation of overt act has been levelled against this appellant. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out



against this appellant. There is no injury report on record to substantiate the allegations levelled in the F.I.R.. Appellant claims clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 11.04.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with A.B.P. No. 450 of 2022/33 of 2022 arising out of Sitamarhi S.C./S.T. P.S. Case No. 29 of 2020 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi S.C./S.T.



P.S. Case No. 29 of 2020.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

