

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2827 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- BIKRAMGANJ District- Rohtas

-
1. Bablu Sah SON OF SRI VINODI SAH @ VINOD SAH R/V- KHAIRA BHUDHAR PS -BIKRAMGANJ DIST- ROHTAS
 2. ANKIT SAH @ ANKIT KUMAR SON OF VINODI SAH @ VINOD SAH R/V- KHAIRA BHUDHAR PS -BIKRAMGANJ DIST- ROHTAS
 3. NILESH SAH @ NILESH KUMAR SON OF SRI VINODI SAH @ VINOD SAH R/V- KHAIRA BHUDHAR PS -BIKRAMGANJ DIST- ROHTAS
 4. DABLU CHAUDHARY @ DABLU KUMAR SON OF SHRI CHAUDHARI R/V- KHAIRA BHUDHAR PS -BIKRAMGANJ DIST- ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. SADHU CHARAN RAM SON OF LATE JEEVAN RAM R/V- KHAIRA BHUDHAR PS -BIKRAMGANJ DIST- ROHTAS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 21-01-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan.
2. The learned counsel submits that informant despite receiving notice chooses not to appear and contest.
3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide



order dated 24.05.2024 passed by the learned 17th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 106 of 2024 registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(v) of the SC/ST Act.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 26.02.2024 at 06:00 PM, he was coming to his village after parking the truck and when he reached near Shiva temple, when appellants intercepted him and Bablu assaulted him by rod causing injury on head and also took Rs. 6500/- and his mobile, when his brother Nandlal and Sanjay came to save him, when Ankit, Nilesh and Dablu assaulted Nandlal by rod causing injury on head and Nilesh along with Dablu assaulted by *lathi* and *danda* causing injury on head and even abused by taking caste name.

5. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no motive for the occurrence is alleged. It is next submitted that



Bablu runs a DJ and the informant on the eve of Ravidas function had taken his DJ on which he had objected that DJ can play only after obtaining permission of the police after 10:00 PM, on which an altercation took place in which both sides assaulted each other. It is also submitted that no doubt from the side of the appellants assault was committed, but then the assault was committed for the reason aforesaid when the FIR does not disclose any reason for the occurrence. It is also submitted that both sides received injuries and the injury suffered by the injured on the side of the informant of the instant case has been opined to be simple in nature. It is also submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature, as in the end of the FIR, it is alleged that Nilesh along with Dablu even abused by taking caste name.

6. Learned Spl. P.P. for the State opposes the appeal, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the injury suffered by the injured has been opined to be simple in nature after perusing the case diary.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 24.05.2024 passed by the learned 17th Additional Sessions Judge-cum-Special Judge



S.C./S.T. (POA) Act, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 106 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bikramganj P.S. Case No. 106 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

