

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4562 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- NAANPUR District- Sitamarhi

Md. Badre Alam Son Of Md. Shafik Shah @ Bhola R/O Village- Singha
Chauri Tole Fakir Takiya, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Siya Devi @ Sanjha Devi Bhagawan Das R/V-Singha Chauri, Ward No.-13,
P.S.-Nanpur, District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 07-05-2026 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
25.09.2021 passed by learned Additional Sessions Judge-I-cum-
Special Judge SC/ST (POA) Act, Sitamarhi in ABP No. 1653 of
2021/142 of 2021 arising out of Nanpur P.S. Case No. 138 of
2020 registered under Sections 147, 148, 149, 323, 324, 325,
307, 354, 302 of the Indian Penal Code and Section 3(1)(x)(s)
(w)(i), 3(2)(v) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellant has been rejected.

4. As per the prosecution case, on 07.05.2020, at about 03:30 p.m., she-goat of Md. Shafique grazed the crop of informant, as a result of which, some scuffle took place between the parties. It is further alleged that Samsheer Shah, Tanveer Shah and this appellant came armed with *lathi*, *Fatta* and stick and assaulted Bharat Das who reached there to save the informant. It is further alleged that 15 persons including the appellant assaulted the villagers Shiv Dayal Das, Ajay Das, Manju Das, Raju Chopal, Geeta Devi, Maharaj Das, Bujhawan Das, Krishna Das and Shiv Das, with, *lathi*, *danda*, rod, *Bhala*, *Garasa* and bricks, as a result of which, they also received injuries and rushed to the hospital for treatment. Subsequently, during the course of treatment, Bharat Das died.

5. It is submitted on behalf of the appellant that from bare perusal of the F.I.R., it is apparent that this appellant along with co-accused Shamsheer Shah, Tanveer Shah assaulted the deceased Bharat Das. Allegation against appellant is general and omnibus and no specific overt act has been attributed against him. It is further alleged that 15 persons including this appellant have caused injury to the villagers Shiv Dayal Das, Ajay Das, Manju Das, Raju Chopal, Geeta Devi, Maharaj Das, Bujhawan



Das, Krishna Das and Shiv Das, but there is no injury report with respect to them. It is next submitted that the injury which is said to have been caused by the appellant has been found to be simple in nature. There is no allegation of abuse by caste name against appellant as such, no case under SC/ST Act is made out against him. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. 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-I-cum-Special Judge SC/ST (POA) Act, Sitamarhi in ABP No. 1653 of 2021/142 of 2021 arising out of Nanpur P.S. Case No. 138 of 2020.

8. Accordingly, this criminal appeal is allowed and impugned order dated 25.09.2021 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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