

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4737 of 2021

Arising Out of PS. Case No.-204 Year-2021 Thana- DUMRA District- Sitamarhi

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1. UDAY CHANDRA JHA @ UDAY JHA AND OTHERS Son of Late Amarnath Jha Resident of Village - Kailashpuri, Balhapatti, Ward no.10, P.s.- Dumra, Distt.- Sitamarhi.
 2. CHANCHALA DEVI W/o Uday Chandra Jha @ Uday Jha Resident of Village - Kailashpuri, Balhapatti, Ward no.10, P.s.- Dumra, Distt.- Sitamarhi.
 3. ASHUTOSH KUMAR JHA @ BIKKU Son of Uday Chandra Jha @ Uday Jha Resident of Village - Kailashpuri, Balhapatti, Ward no.10, P.s.- Dumra, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. MINA KUMARI W/o Ram Ekballi Ram At Present Resident of Village - Kailashpuri, Ward no.11, P.s.- Dumra, Distt.- Sitamarhi, Permanant Resident of Village - Mahesh Faragpur, P.s.- Runnisaidpur, Dist.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sunil Prasad Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 05.10.2021 passed in a case registered for the offence punishable under Sections 341, 323, 427, 379, 504, 506 and 34



of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution story, in brief, is that on 01.06.2021 at around 9 AM, Appellant No. 1, namely Uday Chandra Jha, assaulted son of informant and abused him by caste based slurs. It is further alleged that upon objection, all the F.I.R. named accused persons, including these appellants, along with three unknown persons, assaulted informant and her husband and abused them with caste based slurs. It is further alleged that in course of assault, accused persons also misbehaved with one Saraswati Kumari and disrobed her.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are residing in the same residential building and merely on account of petty dispute between the children of the two families, a simple altercation took place and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been alleged



against these appellants. Moreover, the alleged occurrence took place at the residential house, which is not a public place and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 05.10.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Sitamarhi in connection with A.B.P. No. 1383 of 2021/122 of 2021 arising out of Dumra P.S. Case No. 204 of 2021 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Sitamarhi in connection with Dumra P.S.



Case No. 204 of 2021.

(Prabhat Kumar Singh, J)

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