

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3552 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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1. Dinesh Sah S/o Kailash Sah Resident of Village- Ahirauliya, P.S.- Chiraiya, District- East Champaran, Motihari.
 2. Raja Kumar S/o Shambhu Sah Resident of Village- Ahirauliya, P.S.- Chiraiya, District- East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Kumar S/o Late Gurudas R/o vill - Bada Bandh, P.S.- Khaira, Distt.- Jamui at present working as technical assistance in vill - Khartari East, Block- Chiraiya, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sharda Nand Mishra, Advocate
		Ms. Isha Mishra, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2026 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 16.06.2025 passed in a case registered for the offence punishable under Sections 329(4), 126(2), 115(2), 352, 351(2), 221, 224, 324(3) and 3(5) of the B.N.S. and Section 3(1)(s)(r) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that informant, who happens to be Technical Assistant in Panchayat, had gone to inspect the ongoing project in the Panchayat and after returning to his house, while he was making entries in that behalf, these two appellants, along with co-accused Rakesh Kumar, entered into his house and on gun point, pressurized him to fudge the data, abused him by caste name and threatened him.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Rakesh Kumar, who has already been granted privilege of anticipatory bail by the learned trial court vide order dated 16.06.2025. So far as these appellants are concerned, there is general and omnibus nature of allegations and no specific accusation of overt act has been levelled against them. 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 these appellants.

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 and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 16.06.2025 passed by the learned Exclusive Special Judge, S.C./S.T. Act, East Champaran at Motihari in connection with A.B.P. No. 1990 of 2025 arising out of Motihari Town P.S. Case No. 86 of 2025 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 Exclusive Special Judge, S.C./S.T. Act, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 86 of 2025.

(Prabhat Kumar Singh, J)

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