

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.312 of 2018

Arising Out of PS.Case No. -433 Year- 2017 Thana -RAMPUR District- GAYA

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1. Sanjeet Kumar Gupta @ Bablu Gupta @ Sanjeet Kumar Son of Late
Ramdas Prasad, Resident of Moh. Shahmir Takiya, P.S. Rampur,
District Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Ehteshamuddin, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP
Mr. Ajay Kumar Sinha, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Rampur Police Station Case No.433 of 2017, registered under Sections 307/436/324/504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(2)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A civil suit for land dispute is going on between the parties. Even the informant has lost in Eviction Appeal No.4 of 2014. Thereafter, the allegation is that the house of the informant



caught fire and subsequently the informant suspected that the appellants and others set ablaze the same due to land dispute. There is general and omnibus allegation of commission of abuse by taking caste name.

Learned counsel for the informant opposed the prayer on the ground that offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is apparently disclosed in the FIR. Hence, the appellant does not deserve the prayer for anticipatory bail.

Considering the background of allegation which is mainly land dispute, it cannot be said that the appellant had intention to humiliate a member of schedule caste while abusing. Moreover, the allegation of abuse is general and omnibus and according to learned counsel for the appellant, the same must be specific to fulfill the requirement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Finding substance in the submissions aforesaid, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where



the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

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