

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.565 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- SC/ST District- Gaya

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1. Premchand Bharti @ Prem Chandra Bharti S/o Late Deo Narayan Sao Resident of Village- Mauriyaghat, P.S.- Kotwali, Distt- Gayal
 2. Ritesh Kumar S/o Hargovind Prasad Resident of Mohalla- Dhiraiyatn, Jail Road, P.S.- Rampur, Distt- Gaya.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-10-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 19.12.2019, passed by learned Exclusive Special Judge SC/ST, Gaya in a case registered for the offence punishable under Sections 504/506 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s), 3(2)(Va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

Allegation against the appellants is that as per the agreement, when the complainant demanded his share in the newly constructed building, appellants abused him saying his



caste name.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to some land dispute relating to rent. He further submits that as per the agreement (Annexure 2) complainant was to be given only a shop but after completion of the construction he filed the instant false case with a view to grab the entire building. Charge sheet has also been filed in the case. From perusal of the complaint, no offence under the SC/ST Act is made out against the appellants.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 19.12.2019 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory 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 SC/ST, Gaya in SC/ST Police



Station Case No. 36/2019, subject to the condition as laid down
under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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