

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5018 of 2019**

Arising Out of PS. Case No.-413 Year-2017 Thana- CHANPATIA District- West Champaran

SATYENDRA SINGH Son of Late Bachha Singh Resident of Village -  
Rampurwa, P.S.- Chanpatiya, District- West Champaran at Bettiah (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rakesh Kumar, Adv  
For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      25-02-2020                      Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 28.09.2019 in A.B.P. No.2325 of 2019 passed by the learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah in connection with Chanpatiya P.S.Case No. 413 of 2017(Tr.No.94 of 2019) registered under Sections 341,323,307,504,506,379/34 of the Indian Penal Code as well as under Sections 3(i)(r)(ii)(v-a) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, on the order of this appellant, co-accused-Balmiki Giri and Ram Swarath Singh assaulted to the informant.



Submission is that land dispute is background of the allegation as co-accused-Ram Swarath Singh had purchased a piece of land alongwith son of the appellant from co-accused-Ramchandra Giri and that was the bone of contention. Moreover, no overt-act except exhorting other accused to commit assault is there against the appellant.

Hence, offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out.

Considering the facts 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, 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  
this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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