

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.875 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- WAJIRGANJ District- Gaya

SUBODH KUMAR Son of Sri Haridwar Prasad Resident of Village -
Dakhinganwa Tola Sinduari, P.s.- Wazirganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Gopal Das Late Rajo Das Resident of Village-Purra, P.S.-Wajirganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 11-10-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the appellant as well as

the learned counsel for the informant.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 18.02.2022, passed by the learned

Exclusive Special Judge, SC/ST, Gaya in connection with

Wazirganj P.S. Case No. 370 of 2021, registered for offence

punishable under sections 341, 323, 379, 504/34 of the Indian



Penal Code and sections 3 (1) (r) (s), 3(2) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the appellant Subodh Kumar and his brother Pramod Kumar stopped the informant, who was going by motorcycle. They abused him and also assaulted him. They pointed revolver at his temporal region and snatched Rs.1,700/-. There is also allegation that the accused persons asked the informant to vacate his land.

The learned counsel for the appellant has submitted that there is land dispute between the informant and the appellant. The appellant is a person of clean antecedent and the injuries are simple in nature.

On the other hand, the learned counsel for the informant has opposed the prayer for bail by submitting that there is specific allegation against the appellant that he assaulted the informant and abused him by calling his caste name.

Considering the fact that there is land dispute between the parties and also considering that the appellant is a person of clean antecedent, the appeal is allowed and the impugned order dated 18.02.2022 is set aside.

Accordingly, the appellant, in the event of arrest or



surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Wazirganj P.S. Case No. 370 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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