

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1504 of 2022**

Arising Out of PS. Case No.-841 Year-2021 Thana- SAHARSA SADAR District- Saharsa

CHANDAN KUMAR SINGH @ CHANDAN SINGH Son of Kailash Prasad
Singh Resident of New Colony Ward No.- 09, P.S. and District - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Satish Kumar Son of Late Mahendra Ram Assistant, PHED Divisional office
Saharsa P.S.- Sadar Saharsa Dist- Saharsa Permanent R/o Havi Bhowar P.s.-
Bahara Dist- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

6 20-10-2022 Learned counsel for the appellant is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellant as well as 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 for setting aside the order dated
12.04.2022 passed by the learned Additional Sessions Judge-III-cum-
Special Judge at Saharsa in A.B.P. No. 613 of 2021 arising out of
Saharsa Sadar P.S. Case No. 841 of 2021, registered for the offences
punishable under Sections 447, 341, 323, 384, 353, 427, 379, 504,
506 and 34 of the Indian Penal Code & Section 3(1)(r)(s) of SC and
ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory



bail of the appellants has been rejected.

The informant is cashier in PHED Department and Shiv Sankar Paswan is Assistant in the same Department. When both of them were present at the house of Superintending Engineer, they saw the appellant and his brother Raushan Singh were there. The informant and Shiv Sankar Paswan asked the appellant the reason for their presence over there in absence of Superintending Engineer on which they abused him and assaulted him.

The learned counsel for the appellant has submitted that his brother Raushan Singh is Contractor in the Department of PHED and the appellant Chandan Singh is an activist of the RTI. The appellant Chandan Singh has filed a PIL with a prayer to transfer the employees who are posted at the same place for a period of 30 years. The PIL is still pending. After direction of the High Court, all the persons including the informant and Shiv Sankar Paswan were transferred and at the application of the appellant, the illegally occupied Government premises by Shiv Sankar Paswan were ordered to be vacated. It was the reason of vendetta and false implication of the appellant.

On the other hand, the learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the appellant and his brother Raushan Singh has intentionally humiliated and intimidated the informant and Shiv Sankar Paswan who was belonging to Scheduled Caste category.



It appears from the papers filed by the appellant that the informant and Shiv Sankar Paswan were transferred from their place of posting in pursuance of the order of PIL filed by the appellant.

In my view, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 12.04.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge at Saharsa is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, 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 Additional Sessions Judge-III-cum-Special Judge at Saharsa in connection with Saharsa Sadar P.S. Case No. 841 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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