

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3693 of 2021**

Arising Out of PS. Case No.-8 Year-2021 Thana- SC/ST District- Siwan

VED PRAKASH SINGH @ CHUNCHUN SINGH SON OF SRI RAM
NARESH SINGH Resident of Village - Korari Khurd, P.S.- Daraunda, Distt.-
Siwan.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MINA DEVI WIFE OF RAMCHANDRA MANJHI R/O VILLAGE-
SRISHAV MATHIA, P.S.- DARAUNDA, DISTRICT- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bipin Bihari Singh
For the Respondent/s	:	Mrs.Usha Kumari 1 Mr.Ram Pravesh Nath Tiwari

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

- 3 09-11-2022 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
02.08.2021 passed by learned A.D.J.-I-cum-Special Judge,
Siwan in Siwan SC/ST P.S. Case No. 8 of 2021 registered for
the offence punishable under Sections 341, 323, 324, 504,
506/34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va)
of the Scheduled Castes and the Scheduled Tribes (POA) Act
(for short “SC/ST Act”), whereby the prayer for anticipatory
bail of appellant was rejected.

As per F.I.R., appellant is alleged to have assaulted
Mina Devi (informant) by sword.



Learned counsel for the appellant submits that from bare perusal of the F.I.R., it is apparent that due to land dispute between the parties, a simple *Maarpit* took place. Injuries caused by the appellant are simple in nature. F.I.R. has been lodged after four days of the occurrence and there is no plausible explanation of delay. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the delayed lodging of F.I.R., nature of injury and the backdrop in which the incident took place, the impugned order dated 02.08.2021, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 8 of 2021.

(Prabhat Kumar Singh, J)

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