

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3699 of 2021**

Arising Out of PS. Case No.-215 Year-2021 Thana- KHAIRA District- Saran

SHASHI RANJAN KUMAR SINGH @ BITU SINGH S/o Mahesh Singh
Resident of Village - Murar Chhapra P.S. - Khaira (Nagra), District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-01-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through virtual court proceedings.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter, in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21.08.2021, passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Khaira (Nagara) P.S. Case No.215 of 2021, registered under sections 341, 323, 324, 379, 504, 506, 34 of the IPC and sections 3(i)(r)(s) of the SC/ST (POA) Act.

The allegation against the appellant is that he along with other accused persons have assaulted the informant by legs, fists, lathi etc., abused him and spitted on his mouth. On alarm,



nearby people assemble there and he was taken to the hospital.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to previous annoyance and dirty village politics. There is no specific overt act against the appellant rather the allegations are general and omnibus in nature. The real fact is that there is a dispute between the parties related to execution of land for which money was taken by uncle of the informant, the details of the same is annexed as Annexure-2 to the memo of appeal and due to this grudge, this case has been lodged against the appellant. There is an inordinate delay of 35 hours in lodging the FIR without any proper explanation. No offence under SC/ST Act is made out against the appellant as there is a dispute relating to execution of land. Appellant has no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is allegation against the appellant to abuse the informant by taking caste name.

Considering the admitted land dispute between the parties regarding the execution of sale deed, there is no requirement of



issuing notice to the informant.

In the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Khaira (Nagara) P.S. Case No.215 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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