

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4009 of 2021**

Arising Out of PS. Case No.-165 Year-2021 Thana- PANAPUR District- Saran

1. AJIT KUMAR SINGH @ SHAMBHU SINGH Son of Late Shatrughan Prasad Singh Resident of Village- Rampur Rudra, P.O.- Rampur Rudra, P.S.- Panapur, District- Saran at Chapra.
2. Rahul Kumar Singh @ Rahul Raj Singh Son of Ajit Kumar Singh Resident of Village- Rampur Rudra, P.O.- Rampur Rudra, P.S.- Panapur, District- Saran at Chapra.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 18-07-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 06.09.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Saran at Chapra in connection with Panapur P.S. Case No. 165 of 2021, registered for the offences punishable under Sections 341, 342, 323, 379, 504, 506 r/w 34 of the Indian Penal Code & Section 3(r)(s) of SC and ST (Prevention of Atrocities)



Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, when the informant went to the house of the appellants to demand his dues credited to the appellants, they assaulted him and snatched Rs. 5,000/- cash and a gold chain from his neck. They also abused him by calling caste name.

Learned counsel for the appellants has submitted that the informant does not belong to the scheduled caste or scheduled tribes as per recent notification of the State Government issued in pursuance of the order of Hon'ble the Supreme Court, Lohar Caste was delisted from the Scheduled Caste. He has submitted further that FIR shows itself that it is case of money transaction and appellant No. 1 prior to lodging of the case has lodged a case against the informant and his family members as Panapur P.S. Case No. 164 of 2021. learned counsel for the appellants has also submitted that they are the persons of clean antecedents.

The learned counsel for the informant has opposed the prayer for bail. The learned counsel for the informant has submitted that the notification issued by the State Government is subsequent to lodging of the FIR, as such, it is not applicable in the present case.

Considering the fact that there is case and counter case and there is money transaction between both the parties, the provisions of SC/ST Act is not attracted prima facie. The appellants are the persons of clean antecedents. As such, the appeal is allowed



and the impugned order dated 06.09.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra 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-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Panapur P.S. Case No. 165 of 2021.

Office shall ensure that all defects are removed by the appellants 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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