

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.570 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- SC/ST District- Gaya

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DHANANJAY KUMAR SINGH @ DR. DHANANJAY KUMAR @
BADHO @ BADHU SINGH Son of Braj Bhushan Singh Resident of Village-
Kochi, P.S.- Guraru, District- Gaya. Appellant/s

Versus

1. The State of Bihar.
2. Ramsundra Paswan, son of Late Ramlagan Paswan, resident of village
Kanchi, P.S. Guraru, District Gaya.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Bindeshwari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State assisted by learned counsel for
the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer of anticipatory bail vide order dated
28.06.2022 passed by learned Special Judge (SC/ST Act), Gaya
in connection with Gaya SC/ST P.S. Case No. 13/2022
registered under Sections 341, 323, 304, 504 & 506/34 of the
Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



3. The allegation against the appellant is that he along with other co-accused is said to have slated the informant in the name of caste and also threatened him of dire consequences.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, the daughter-in-law of the informant was brought at the clinic of the appellant in worst condition and she was referred to ANMCH and lastly she died on way. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. It is further submitted that both the parties have compromised the matter. It is also submitted that the police has not complied the guide lines issued by the Hon'ble Supreme Court in the case of *Jacob Mathew Vs. State of Punjab and others* since reported in *(2005) 6 SCC 1*. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail. Learned counsel for the respondent no.2 accedes to the fact that compromise has entered into between the parties.



6. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Gaya in connection with Gaya SC/ST P.S. Case No.13 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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