

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.821 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Saran

UDAY SINGH @ UDAY KUMAR SINGH Son of Late Mastana Singh
Resident of Village- Dumari Buzurg, P.S.- Nayagaon, District- Saran at
Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Nippu Sanjeev Reddy Son of Baleshwar Ram Resident of Village- Sawaich
Sonepur, P.S.- Sonepur, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Awnish Kumar
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Arjun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 25-08-2023 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

2. The present appeal has been filed against order dated 13.01.2023 passed by learned A.D.J.-3rd, Saran in Saran SC/ST P.S. Case No. 19 of 2022 registered for the offence punishable under Sections 341, 323, 504, 306, 420/34 of the Indian Penal Code and Section 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.

3. It is alleged that one on Manju Devi did not execute



sale-deed in favour of informant in spite of taking consideration money in advance. On repeated demand, it is alleged that this appellant alongwith other co-accused persons threatened the informant. This appellant is also alleged to have put *katta* on the temple of the informant and abused him by caste name.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case due to dirty village politics. As a matter of fact, this appellant has nothing to do with the same. As per F.I.R. itself, there is no allegation against this appellant that he has taken any money from the informant. It is not the case of prosecution that any member of the public was present at the place of occurrence and as such, no offence under the SC/ST Act is made out. Learned counsel for the appellant further submits that specific allegation is against co-accused Manju Devi, who alongwith three other co-accused persons have already been granted anticipatory bail by this Court, vide order dated 16.08.2023 passed in Cr.Appeal (SJ) No. 1003 of 2023. Appellant has got clean antecedent.

5. The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2. Counsel for the respondent no. 2 submits that this appellant is named in the F.I.R. and there is specific allegation against him



that he abused the informant by caste name and threatened the informant. This appellant has got one criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances, the impugned order dated 13.01.2023, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

7. 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.-3rd, Saran in Saran SC/ST P.S. Case No. 19 of 2022.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

