

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1051 of 2023

Arising Out of PS. Case No.-179 Year-2020 Thana- BARH District- Patna

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1. Pramod Singh @ Pramod Kumar Singh Son of Late Bhajo Singh R/V- Mohamadpur, P.S- Barh, Dist- Patna
 2. Tantan Singh @ Ganesh Singh Son of Vijay Singh @ Vinay Singh R/V- Mohamadpur, P.S- Barh, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Paswan Son of Raj Kumar Paswan R/V- Mohamadpur, P.S- Barh, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-07-2023 At the outset, learned counsel for the appellants seeks permission to withdraw this criminal appeal with respect to Pramod Singh @ Pramod Kumar Singh appellant no. 1.

2. Permission is granted. This criminal appeal is dismissed as withdrawn with respect to appellant no. 1.

3. Heard learned counsel for the appellant no. 2 and learned Special Public Prosecutor for the State.

4. The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 16.12.2022 passed by learned Exclusive Special Court (SC/ST Act), Patna in connection with Barh P.S. Case No.



179 of 2020 under Sections 341, 323, 325, 307, 448, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

5. Prosecution case in brief is that on the alleged date and time of occurrence, while the informant was feeding his cattle, in the meantime, appellant along other co-accused persons armed with different weapons came and abused him by caste name. It is further alleged that the accused persons also threatened him to file compromise petition, on protest, the accused persons assaulted him, as a result of which he sustained injuries. When the brother of informant came to save him, he was also assaulted by the accused persons. Thereafter, the accused persons entered the house of informant and also assaulted his family members.

6. It is submitted on behalf of the appellant that Tantan Singh @ Ganesh Singh appellant no. 2 has got no criminal antecedent and as such, there was no reason for him to be present at the alleged place of occurrence and to pressurize the informant to withdraw the case or to file compromise petition. The alleged occurrence did not take place within public



view, as such, no case under SC/ST Act is made out.

7. Counsel for the informant vehemently opposed the prayer for bail.

8. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 16.12.2022 passed by learned Exclusive Special Court (SC/ST Act), Patna is set aside.

9. Let the appellant no. 2 above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 the learned Exclusive Special Court (SC/ST Act), Patna in connection with Barh P.S. Case No. 179 of 2020.

(Prabhat Kumar Singh, J)

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