

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1307 of 2023**

Arising Out of PS. Case No.-37 Year-2022 Thana- SC/ST District- Madhubani

SHAILENDRA SINGH S/o Late Ramdarshan Singh @ Ram Daiyeen Singh
Resident of village-Raghauli, Ward No.-10, P.S.-Bisfi, District-Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the appellants, the State and
respondent no.2.

The present appeal is directed against the order dated 27.01.2023, passed in a case registered for the offence punishable under Sections 341/323/354(B)/504/506 of the Indian Penal Code read with Sections 3 (i) (r) (s)(w1) / 3 (2) (va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, on the alleged date and time of occurrence. This petitioner abused the informant by caste name and assaulted with fists, slaps and danda.



It is submitted that it is not the case of the prosecution that any member of public was not present at the time of incident, as such, no case under the SC/ST Act is attracted against these appellant. He further submits that there is allegation of assault but there is no injury report on record. As a matter of fact, the informant had a greedy eye over the land of the appellant and always put pressure upon the appellant to sell the land, thus this false and concocted case was lodged. The appellant claims clean antecedent.

Learned counsel for the State oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 27.01.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge cum Special Judge, Madhubani in connection with SC/ST P.S Case No. 37 of 2022, subject to the



condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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

