

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1469 of 2022**

Arising Out of PS. Case No.-625 Year-2021 Thana- GAYA MUFASIL District- Gaya

MD. SADDAM Son of Md. Hasnain Resident of Mohalla - Bhusunda, P.S.-
Mufassil, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudama Paswan Son of Late Sadhu Paswan Resident of village - Sohaipur,
P.S.- Mufassil, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabindra Kumar Priyadarshi
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

A supplementary affidavit has been filed on behalf of the appellant in which he stated that the informant of the present case was died on 04.03.2022. He enclosed the death certificate. He further submitted that the notice was received by son of the informant Sudama Paswan who resides in jointness in the same house. The notice was validly served but nobody appears on behalf of the respondent no.2.

Learned counsel for the appellant is directed to remove the defects within four weeks.

This is an appeal under Section 14(A) 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 06.04.2022 passed by learned Court of Exclusive Special Judge (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 625 of 2021 registered under Sections 406, 420, 307, 504, 341, 323, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Slating the informant/complainant in the name of caste is said to have been made in a lonely place and not in public view, hence no offence under SC/ST Act is made out against the appellant. No injury has been sustained by the informant and there is no injury report is available on the record. The similarly situated co-accused has been granted anticipatory bail by the co-ordinate bench of this Court in Criminal Appeal (SJ) No. 2747 of 2022



vide order dated 30.01.2023. Learned counsel for the appellant relied on the judgment of the Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

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 Court of Exclusive Special Judge (SC/ST Act), Gaya in connection with Mufassil P.S Case No. 625 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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