

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2053 of 2023**

Arising Out of PS. Case No.-30 Year-2023 Thana- GARKHA District- Saran

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1. Nand Kishore Rai, aged about 50 years, Gender-Male, S/O Late Shila Rai R/O Village- Maricha, P.S- Garkha, Distt.- Saran at Chapra.
 2. Rajeev Kumar Rajan @ Raju @ Raju Rai, aged about 25 years, S/O Nand Kishore Rai R/O Village- Maricha, P.S- Garkha, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ram Surat Manjhi S/O Late Musafir Manjhi R/O Village- Maricha, P.S- Garkha, Distt.- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-12-2023 Heard learned counsel for the appellants and learned A.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 01.04.2023 passed by the learned Additional District & Sessions Judge-3rd, Saran at Chapra in connection with A.B.P. No. 398 of 2023 (arising out of Garkha P.S. Case No. 30 of 2023) dated 18.01.2023 registered for the alleged offences under Sections 341, 323, 324, 379, 504 read with 34 of the Indian



Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. As per prosecution case, all the accused persons along with appellants armed with weapons assaulted and injured the informant badly. They also abused the informant by calling his case name. It is further alleged that both the appellants tried to strangle the son of the informant with a rope and snatched a gold chain from his neck. They also took out Rs. 9000/- from the pocket of the informant.

4. Learned counsel for the appellant submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that due to land dispute, the informant has filed the present criminal case in order to apply pressure on the appellants and settle the land dispute. It is further submitted that the private civil dispute is converted into the criminal proceeding. Learned counsel has further submitted that there was no intention to insult or humiliate the informant on the spot as the incident took place during the course of panchayati. It is further submitted that the alleged abuse



was not laud with castist remark and the incident happened on the spur of the moment. Learned counsel has further submitted that no offence under provisions of SC/ST Act is made out against the appellants. The appellants have no criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated dated 01.04.2023 passed by the learned Additional District & Sessions Judge-3rd, Saran at Chapra in connection with A.B.P. No. 398 of 2023 (arising out of Garkha P.S. Case No. 30 of 2023), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of



learned Additional District & Sessions Judge 3rd Saran at Chapra in connection with A.B.P. No. 398 of 2023 (arising out of Garkha P.S. Case No. 30 of 2023), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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