

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2110 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BEERPUR District- Begusarai

OM PRAKASH @ OM PRAKASH SINGH SON OF LATLE KEDAR
NATH SINGH RESIDENT OF VILLAGE- SIKARHULA, PS- BIRPUR,
DISTT- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. PANKAJ PASWAN SON OF LATE VISHWANATH PASWAN RESIDENT
OF VILLAGE- RAJAPUR SIKARHULA WARD NO. 16, PS- BIRPUR,
DISTT- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Vaishnavi Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard Ms. Vaishnavi Singh, learned counsel for the

petitioner and Mr. Binay Krishna, learned Additional Public

Prosecutor appearing for the State.

The present appeal has been preferred by the appellant against the order dated 22.03.2023 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai, in A.B.A. No. 500 of 2023 arising out of Birpur P.S. Case No. 18 of 2023 dated 19.02.2023 registered for the offences punishable under Sections 147, 341, 323, 307, 354, 379 of the Indian Penal Code and Section 3(1)(r)(w)/2(2)(va) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, whereby the learned court below has rejected the prayer for anticipatory



bail of the appellant.

As per the allegation, altogether 40 persons including appellant arrived at the door of the informant and assaulted him as well as his family members by *danda*, pistol etc. and called them with their caste names. It has further been alleged that the appellant along with five other persons assaulted Ram Kumar Paswan and Gulshan Kumar.

Learned counsel for the appellant submits that the appellant has been made accused in this case due to the land dispute inasmuch as temple was constructed upon the land donated by the family members of the appellant. Learned counsel further submits that informant and others constructed the house behind the temple, for which, a passage was given by the appellant and his family members to the informant and others with its width 8' (eight feet), but the informant was demanding the passage of 12' (twelve feet) from the side of the appellant. She further submits that the name of the appellant along with other has come in the second part of the allegation made in the First Information Report and the injury caused to the victims are simple in nature as would be evident from Annexure-3 series i.e. injury report. There is no allegation that the appellant called anybody with their caste names. The



informant has appeared through *Vakalatnama*, but nobody has appeared today on his behalf.

Regards being had to the submission made by the learned counsel for the appellant and State and taking into consideration the fact that the present First Information Report has been lodged due to the land dispute between the parties, the injury caused to the victims are simple in nature, I am inclined to grant anticipatory bail to the appellant

Accordingly, in the event of arrest or surrender before the learned court below within six weeks from today, appellant, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST(POA) Act, Begusarai, in connection with Birpur P.S. Case No. 18 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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