

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2737 of 2023

Arising Out of PS. Case No.-16 Year-2018 Thana- MALI District- Aurangabad

1. SHEOPUJAN SINGH Son of Late Yadu Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad
2. Suraj Kumar Singh @ Suraj Singh Son of Sri Vinod Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad
3. Bhardul Singh @ Ravi Ranjan Singh Son of Raj Mohan Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad
4. Gopal Singh Son of Late Mukhdeo Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad
5. Maharana Pratap Singh Son of Late Mukhdeo Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad
6. Baban Singh Son of Late Shivraksha Singh Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanhai Ram Son of Late Ganeshi Ram Resident of Village - Kolha Manjauli, P.S.- Mali, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramendra Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal but nobody appears on his behalf.

3. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for anticipatory bail vide order dated 12.05.2023, passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad (Bihar), in connection with Mali P.S. Case No.16 of 2018, registered u/s 147, 149, 341, 323, 307, 354(A), 504, 506 of the IPC and sections 3(1)(r)/ 3(1)(s)/ 3(2)(va) of the SC/ST Act.

4. As per the F.I.R., one Raushan Kumar Singh built a Gumati on the land of the informant provided by the Govt. and on protest, the accused persons including the appellants assaulted the informant and his family with rod and abused by caste name.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence is not said to have taken place in the public view. Admittedly there is a land dispute between the parties. Though there is allegation that the appellants abused and assaulted the informant's side but nobody has sustained any injury nor there is any specific overt act against the appellants. Appellant nos.1 and



3 have one criminal antecedent and rest appellants have no criminal antecedent and similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.09.2018 passed in Cr. Appeal (SJ) No.1703 of 2018.

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

7. Considering the facts and circumstances of the case, since similarly situated co-accused has been granted anticipatory bail, let the appellants named above, in the event of their 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 12.05.2023, passed by learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad (Bihar), in connection with Mali P.S. Case No.16 of 2018, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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