

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2726 of 2022

Arising Out of PS. Case No.-71 Year-2020 Thana- SHERGHATI District- Gaya

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Suresh Singh @ Ram Suresh Prasad Singh @ Ramsuresh Prasad Singh Son
Of Late Abadh Lal Bihari Singh @ Abadh Bihar Prasad Singh Resident Of
Village - Bishunpura, P.S.- Sherghati, District – Gaya Appellant
Versus

1. The State Of Bihar
2. Indradev Paswan Son Of Late Komal Paswan Resident Of Village -
Bishunpura, P.S.- Sherghati, District - Gaya.
... .. Respondents

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No 13, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. Public Prosecutor
for opposite party no.2		Mr. VR Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 15-03-2023 Heard learned counsel for the appellant, the State and
respondent no.2.

The present appeal is directed against order dated
1.6.2020 passed by learned Exclusive Special Judge, SC/ST Act,
Gaya in a case registered for the offence punishable under
Sections 341,323,307,379,504,506 of the Indian Penal Code and
Section 3 (i) (r) (s) of the SC/ST Act as, whereby anticipatory
bail of the appellant has been rejected.

Learned counsel for the appellant submits that the
appellant also comes from the SC/ST Caste and the incident
took place at the doors of the informant which is not a public
view, as such, no offence under the SC/ST Act is attracted
against the appellant. More so, respondent no.2 is encroacher



vide order dated 5.5.2017 (Annexure 2), passed by the SDO, Sherghati in Misc.Case No.774 of 2016. Similarly situated co-accused have already been allowed bail by different co-ordinate benches of this Court vide orders passed in Cr.Appeal(SJ) No.2412/20222113/2022.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 1.6.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Gaya in Sherghati Police Station Case No. 71 of 2020.

(Prabhat Kumar Singh, J)

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