

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2908 of 2023

Arising Out of PS. Case No.-174 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Ranjit Singh @ Ranjit Prasad Singh S/O Vinod Singh @ Vinod Prasad Singh R/O Village- Manjhaul, 03 Ward No. 08, Ps. Cheria Bariyarpur, Dist. Begusarai
 2. Vinod Singh @ Vinod Prasad Singh S/O Late Rajendra Singh R/O Village- Manjhaul, 03 Ward No. 08, Ps. Cheria Bariyarpur, Dist. Begusarai
 3. Madhav Kumar S/O Rajiv Singh @ Janmjay Kumar R/O Village- Telghi, Ps. Kharik, Dist. Bhagalpur. Presently Residing At Village- Manjhaul, 03 Ward No. 08, Ps. Cheria Bariyarpur, Dist. Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rita Devi W/O Ashok Ram R/O Village- Manjhaul, Ward No. 08, Ps. Cheria Bariyarpur, Dist. Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Ashok Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for respondent no. 2.

2. This is an appeal under Section 14 A (2) 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 01.06.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with



Cheria Bariyarpur P.S. Case No. 174 of 2020 registered under Sections 341, 323, 504, 506, 308, 354(b), 34 of the Indian Penal Code and Section 3(i)(r)(s)(w), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, allegation against the appellant that they abused and assaulted the informant and also tried to outrage the modesty of the informant.

4. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is admitted land dispute between the parties. He fairly submits that the appellants has been given benefit of Section 41(A) of the Cr.P.C., after investigation the police has submitted charge-sheet against the appellants and the learned Court below took cognizance against the appellants. He also relies on the Judgment of Hon'ble Apex Court passed in the case of *Hitesh Verma vs. The State of Uttarakhand* reported in (2020) 10 SCC 710. Appellant no. 1 has one criminal antecedent and appellants no. 2 and 3 have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel



for the respondent no. 2 opposed payer for bail and submitted that as cognizance has been taken against the appellants by the learned Court below, therefore, anticipatory bail application is not maintainable and relied on the Judgment of Hon'ble Apex Court passed in the case of *Bachu Das vs. State of Bihar* reported in *(2014) 3 SCC 471*.

6. Considering the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Cheria Bariyarpur P.S. Case No. 174 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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