

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2499 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- BUNIYAD GANJ District- Gaya

1. MEENA DEVI @ MINA DEVI Wife of Late Surendra Goswami Resident of village- Manpur Pehani, Purani Madarsa, Prachin Devi Mandir, P.S- Buniyadganj, Dist- Gaya
2. Karu Goswami @ Jitendra Goswami Son of Late Surendra Goswami Resident of village- Manpur Pehani, Purani Madarsa, Prachin Devi Mandir, P.S- Buniyadganj, Dist- Gaya
3. Buta Goswami @ Mahendra Kumar Son of Late Surendra Goswami Resident of village- Manpur Pehani, Purani Madarsa, Prachin Devi Mandir, P.S- Buniyadganj, Dist- Gaya
4. Munchun Goswami @ Satendra Kumar Son of Late Surendra Goswami Resident of village- Manpur Pehani, Purani Madarsa, Prachin Devi Mandir, P.S- Buniyadganj, Dist- Gaya
5. Jhunnu Mian @ Md Kalimuddin Son of Surfuddin Resident of Manpur Pehani, New Madarsa, P.S- Buniyadganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganesh Chaudhary @ Karu Chaudhary Son of Late Ganga Chaudhary Resident of Manpur Pehani, Purani Madarsa, Prachin Devi Mandir, P.O and P.S- Buniyadganj, Dist- Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Though notice was validly served upon respondent no.2
but nobody appears on his behalf.

At the very outset, learned counsel for the appellants seeks
permission to withdraw this memo of appeal as against the
appellant nos.1, 2, 4 and 5, as they have been apprehended by the



police during pendency of this appeal.

Considering the same, this appeal as against appellant nos.1, 2, 4 and 5 is dismissed as infructuous.

Now, it is being heard for consideration of anticipatory bail as against appellant no.3 only.

This is an appeal under section 14A(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 18.05.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Buniyadganj P.S. Case No.24 of 2022, registered u/s 323, 341, 504, 506/34 of the IPC and sections 3(2) (Va) of the SC/ST Act.

Allegation as per the F.I.R. is that due to a dispute regarding collecting soil near temple, the appellants abused the informant by using caste name and on protest, one Meena Devi threatened to lodge a false case against him.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that no offence under the SC/ST Act is made out against the



appellant as there is no specific allegation against the appellant no.3 to have abused the informant by taking his caste name. It is further stated that appellant no.1 has filed a criminal case against the informant vide Complaint Case No.636/15 (Annexure-2) and the informant was always putting pressure upon the appellant to enter into compromise and upon refusal, this false case has been lodged against the appellant no.3 and others. Appellant no.3 has no criminal antecedent.

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

Considering the facts and circumstances of the case, the appellant no.3 named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Buniyadganj P.S. Case No.24 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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