

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4027 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- RAXAUL District- East Champaran

PRADEEP SINGH @ PRADEEP KUMAR S/o Kapildeo Singh R/v- Haraiya,
O.P.- Haraiya, P.S.- Raxaul, District- East Champaran, Motihari

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNIL DAS S/o Mahendra Das R/v- Dhupawa Tola, Ward No.5, P.S.-
Raxaul, District- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar,Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Abhishek Kumar, Adv.
		Mr. Rashmi Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 18.10.2022 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Raxaul (Haraiya) P.S. Case No. 82 of 2022 registered under Sections 341, 342, 323, 308, 385, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Allegedly, appellant along with 4-5 unknown persons



came on the land of Navin Singh and demanded Rangdari from the informant and when he refused for the same, all the accused persons started assaulting him with feast and slap. Petitioner is said to have abused the informant by calling him *Chot Jat*.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to ulterior motive. There is admitted land dispute between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The dispute has been compromised by the parties. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl.PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as there is compromise between the parties, the above named appellant, in the event of his 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/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Raxaul (Haraiya) P.S Case No. 82 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 allowed.

(Anjani Kumar Sharan, J)

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