

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3918 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. GOLU SINGH @ ABHISHEK KUMAR @ GOLU KUMAR Son of Munna Singh R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad
 2. RAHUL SINGH @ RAHUL KUMAR SINGH Son of Santosh Singh R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad
 3. BHOLA SINGH Son of Late Upendra Singh R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad
 4. SHATRUGHANA SINGH @ SATRUGHAN SINGH Son of Narsingh Singh R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad
 5. PRINCE SINGH @ PRINCE KUMAR Son of Mitul Singh R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHITRANJAN PASWAN SURESH PASWAN VILLAGE RAJPARS A P S AMBA DISTRICT AURANGABAD
3. CHITRANJAN PASWAN Son of Suresh Paswan R/v- Rajparsa, P.O.- Baliya, P.S.- Amba, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has informed the informant but
nobody appeared on his behalf.

This is an appeal filed 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 11.10.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Complaint Case No. 27/2021 registered under Sections 323, 341 and 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 26.04.2021 but FIR lodged on 31.05.2021 after a delay of more than one months and there is no any explanation for the delay in filing of the present case which creates serious doubt about the prosecution case. 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 appellants. There is land dispute between the parties. He relied upon the judgment of Hon'ble Apex Court in the case of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.



Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants are also involved in this case. Hence, they do not deserve anticipatory bail.

In the facts and circumstances of the case and the fact there is no allegation to abuse the informant by taking his caste name, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Complaint Case No. 27/2021, 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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