

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.355 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- SALIMPUR District- Patna

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BABAN SINGH @ ARVIND KUMAR SON OF BINDESHWAR SHARMA
RESIDENT OF VILLAGE - BIDHIPUR, POLICE STATION - SALIMPUR,
DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. BACHHI DEVI WIFE OF NOT KNOWN RESIDENT OF VILLAGE -
BIDHIPUR, WARD NO.14, POLICE STATION - SALIMPUR, DISTRICT
- PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Aryan Singh, Adv.
For the informant	:	Mr. Chetanand Paswan, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 15.12.2023 passed by the learned
Exclusive Special Court, SC/ST Act, Patna in connection with
Serial Case No. 317 of 2023 arising out of Salimpur P.S. Case
No. 187 of 2023 dated 23.08.2023 registered for the alleged
offences punishable under Sections 364, 365, 506 read with
Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and later on Section 302 and 201 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons are alleged to have kidnapped the informant's grandson for killing him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. The appellant is not named in the F.I.R. The name of the petitioner has transpired in this case during the course of investigation. There is no specific allegation against the appellant rather the allegation of kidnapping the informant's grandson is against the co-accused persons. On perusal of the entire material, no offence under the provisions of SC/ST Act is made out against the appellant as no member of public was present at the relevant point of time of the alleged incident. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 13.11.2023. The appellant has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 15.12.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Serial Case No. 317 of 2023 arising out of Salimpur P.S. Case No. 187 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna in connection with Serial Case No. 317 of 2023 arising out of Salimpur P.S. Case No. 187 of 2023.

(Chandra Prakash Singh, J)

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