

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.492 of 2023

Arising Out of PS. Case No.-364 Year-2020 Thana- WAJIRGANJ District- Gaya

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1. NIRANJAN KUMAR @ NIRANJAN SINGH Son of Awadhesh Singh R/V- Khiriyawan, P.S- Wazirganj, Dist- Gaya
 2. Ranjeet Kumar @ Ranjeet Kumar Singh Son of Gopal Singh R/V- Khiriyawan, P.S- Wazirganj, Dist- Gaya
 3. Fantoosh Kumar @ Ranjeet Singh Son of Jhulan Singh R/V- Khiriyawan, P.S- Wazirganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Manjhi Son of Naresh Manjhi R/V- Khiriyawan, P.S- Wazirganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 11-11-2024 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 08.12.2022 and 20.12.2022, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 295 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Wazirganj Police Station Case No. 364 of 2020 disclosing offences under Sections 341/323/324/364/307/308/34 of the Indian Penal Code



and Section 3 (1) (r) (s) (x) SC/ST Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 02.08.2022, at about 07:00 PM, the informant had assaulted the father of the appellant no. 3 by means of spade due to which he sustained cut injury on his hand. Thereafter, the appellants, along with 40 to 50 persons, arrived at the house of the informant, took him near the bridge and assaulted him. In the process, the appellants tied the neck of the informant with a towel.
4. Learned Counsel for the appellants submits that the appellants have falsely been implicated in the present case due to land dispute between the parties, which would be evident from the opening line of the First Information Report that the informant had assaulted the father of the appellant no. 3 by means of spade. He next submits that Wazirganj Police Station Case No. 359 of 2020 was filed by the side of the appellants against the informant and others, thereafter, the present First Information Report has been lodged as a counter-blast. He further submits that injury caused to the informant is simple in nature as stated in paragraph-16 of the memo of appeal. There is no allegation of calling the informant by his caste name in



the First Information Report.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is case and counter-case due to land dispute and injury caused to the informant is simple in nature, I am inclined to grant the appellants privilege of anticipatory bail.
6. This appeal is, accordingly, allowed and the order, dated 08.12.2022 and 20.12.2022, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 295 of 2022, is set aside.
7. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Wazirganj Police Station Case No. 364 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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