

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.533 of 2024**

Arising Out of PS. Case No.-42 Year-2022 Thana- SC/ST District- Begusarai

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PAPPU SINGH @ PAPPU KUMAR S/O LATE BHULLU SINGH R/O  
VILLAGE- KESHAWE, P.S- BARAUNI ( REFINARY), DISTT.-  
BEGUSARAI.

... .. Appellant/s

Versus

1. The State of Bihar
2. VIJAY DAS S/O LATE JANKI DAS R/O VILL- KESHABE, P.S-  
BARAUNI (REFINERY), DISTT.- BEGUSARAI.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shubhesh Pandey, Adv.  
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      25-10-2024              Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. In compliance of order dated 30.08.2024, jointness  
petition has been filed stating therein that the notice was issued  
to respondent no.2 and the same has been received by the son  
of respondent no.2, who are jointly residing with their  
respective family members together in the same village.

3. In view of the aforesaid, the notice is hereby deemed  
to be validly served upon respondent no.2, but despite that  
nobody appears on his behalf.

4. This is an appeal 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 04.01.2024 passed by learned Exclusive Special Judge-SC/ST (POA) Act, Begusarai in connection with SC/ST P.S. Case No. 42 of 2022 registered under Sections 147, 148, 149, 341, 323, 324, 380, 354(B), 427, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1),(r),(s)/3(2)(va)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Allegedly, the appellant along with other co-accused persons named in the FIR and 30-40 unknown persons came at the house of the informant, abused and assaulted him and others, destroyed his house and looted the house hold articles.

6. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken 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 the case due to prior enmity. Though, it is alleged that FIR named accused persons with 30-40 unknown persons assaulted with weapons like *lathi*, iron rod



etc. to the informant's side, but no one has sustained any injury, which creates serious doubt about the prosecution case. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that no offence under the SC/ST Act is made out against the appellant as the alleged occurrence is not said to have taken place in public view. It is further submitted that similarly situated co-accused has been granted anticipatory bail by this Court in Cr. APP (SJ) No. 2798 of 2023 on 20.09.2023. Appellant has four criminal antecedents as mentioned in para-3 of this memo of appeal.

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

8. In the facts and circumstances of the case, 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 Exclusive Special Judge-SC/ST (POA) Act, Begusarai in connection with SC/ST P.S. Case No. 42 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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