

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.587 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- BELAGANJ District- Gaya

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1. Praduman Kumar @ Avinash Arya, S/o Gulab Bind, R/o Village- Bhikhachak, P.S- Belaganj and Distt.- Gaya.
 2. Subodh Kumar, S/o Arbind Yadav, R/o Village- Dalelchak, P.S- Belaganj and Distt- Gaya.
 3. Upendra Yadav @ Upendra Kumar Yadav @ Upendra Kumar, S/o Lalan Yadav, R/o Village- Bhikhachak, P.S- Belaganj and Distt.- Gay.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Paswan, A.S.I., Belaganj Police Station, Distt.- Gaya. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Kumar No.2, Advocate Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For Respondent No.2	:	Mr. Suraj Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Manish Kumar No.2, learned Advocate for the appellants and learned Spl. PP for the State. Respondent no.2 appeared suo motu through Mr. Suraj Kumar Tiwari, learned Advocate

2. The present appeal under Section 14-A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 22.12.2023, passed by the learned Special Judge, SC/ST Spl. Court, Gaya in connection with Belaganj P.S. case no. 186 of 2023 registered for the



offences punishable under Sections 147, 149, 323, 341, 307, 353, 504, 385, 379, 411 of the Indian Penal Code, Section 3(2) (va) of the SC/ST Act, Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. Allegedly while the informant was on patrolling, he received information that some unknown persons are indulged in excavating sand illegally from Falgu river. On the said information, when he along with other police personnel reached there, he found that the persons are engaged in excavating sand through JCB machine. It is further alleged that all the F.I.R. named accused persons by making an unlawful assembly forcibly took away JCB machine and pelted stones on police personnel. It is also alleged that they abused the informant by taking his caste name

4. Learned advocate for the appellants referring to the F.I.R. contended that there is omnibus allegation against altogether 70 persons, including the named and unknown persons. There is no specific allegation of threatening and



abusing the police/informant and, as such, no case, much less, under any of the Section of the SC/ST Act is made out. It is next contended that none of the person has sustained any injury nor any incriminating material has been recovered from the whereabouts of the appellants. It is next contended that so far appellant nos. 1 and 2 are concerned, they bear fair antecedent and appellant no.3 is facing prosecution in three criminal cases, however, he is on bail in all the three criminal cases.

5. On the other hand, learned counsel for the State as well as respondent no.2 vehemently opposed the prayer for anticipatory bail and submit that the appellants are named in the F.I.R. and they were identified by the Chaukidar and, as such, their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the materials available on record, prima facie, does not disclose the ingredients constituting the offence under SC/ST Act, let the appellants, named above, in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Special Judge, SC/ST Spl. Court, Gaya in connection with Belaganj P.S. case no. 186 of 2023, subject to the condition that one of the bailors will be the close relatives of the appellants with the further conditions which are as follows:-

(i) The appellants will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

7. Accordingly, the impugned order dated 22.12.2023 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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