

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.837 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Dinesh Kumar Singh @ Dinesh Singh, S/o Late Sachidanand Singh R/o vill - Sultanpur, P.S. - Mohiuddinnagar, Distt. - Samastipur
 2. Rakesh Kumar Singh @ Gopal Jee @ Gopal Singh, S/o Late Sachidanand Singh R/o vill - Sultanpur, P.S. - Mohiuddinnagar, Distt. - Samastipur
 3. Chotu Kumar @ Deepak Kumar @ Deepak Kumar Singh @ Deepak Singh, S/o Dinesh Kumar Singh @ Dinesh Singh R/o vill - Sultanpur, P.S. - Mohiuddinnagar, Distt. - Samastipur
 4. Anshu Kumar @ Anshu Singh, S/o Rakesh Kumar Singh @ Gopal Jee @ Gopal Singh R/o vill - Sultanpur, P.S. - Mohiuddinnagar, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivji Ram, S/o Late Ramdev Ram R/o vill - Sultanpur Madhaya, P.s. - Mohiuddinnagar, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna
		None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-04-2024 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. No one appears on behalf of the respondent no.2.
3. The appellants have challenged the order dated 03.01.2024 passed by the learned Special Judge, SC/ST (P.O.A.) Act, Samastipur in connection with Mohiuddinnagar P. S. Case No.316 of 2023, instituted for the offences under Sections 341, 323, 324, 307, 354, 354(B), 325, 504, 506 and 34 of the Indian



Penal Code and Section 3(1)(r)(s), 3(i)(w)(ii), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant at the behest of one Vivekanand Singh. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that on account of a dispute relating to passage, an altercation took place based on which, it is alleged that the appellants along with others assaulted him and his family members and when Vivekanand Singh came to save him, he was also assaulted.

5. The learned counsel for the appellants submits that it absolutely does not stand to reason that if the informant and his family members were assaulted in the manner as alleged in the F.I.R., in that case, they must have suffered some injury, but then, from perusal of the F.I.R. itself, it would manifest that the informant alleges that Vivekanand Singh was sent to hospital for treatment. It is next submitted that a specific plea has been raised in the instant appeal that the informant was working as a labourer for Vivekanand Singh and Vivekanand Singh was



having dispute with the appellants with regard to passage on account of which, an altercation took place in between the side of the appellants and Vivekanand Singh, in which both side assaulted each other, but then, Vivekanand Singh taking advantage of the fact that informant was working for him as a labourer, he got the instant case instituted through him under the SC/ST Case to make the offence non-bailable. It is thus submitted that this is how the SC/ST Act is being misused and at the cost of repetition, it is again submitted that had the informant or his family members as alleged in the F.I.R. would have been assaulted, in that event, the informant in the F.I.R. itself would have alleged that they were also taken to hospital for treatment, but then, that is not the case.

6. Regard being had to the aforesaid submissions, the order dated 03.01.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (P.O.A.) Act,



Samastipur in connection with Mohiuddinnagar P. S. Case
No.316 of 2023, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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