

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1063 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- GOPALPUR District- Patna

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1. Pramod Sharma @ Pramod Kumar Sharma Son of Sharvan Kumar Resident of Village- Sona Gopalpur, P.S.- Gopalpur, District- Patna
 2. Rakesh Kumar @ Rakesh Sharma Son of Pramod Sharma @ Pramod Kumar Sharma Resident of Village- Sona Gopalpur, P.S.- Gopalpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Hirdanand Paswan Resident of Village- Sona Gopalpur, P.S.- Gopalpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and State.

3. This appeal has been filed against the order dated 21.12.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 10729 of 2023 arising out of Gopalpur P.S. Case No. 679 of 2023, registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



4. As per prosecution case, on 30.10.2023 at about 9:30 PM, while daughter of the informant was washing utensils in front of the gate of her house, these appellants came there in drunken condition and started abusing and beating her on account of which she became unconscious. When informant came out to save her daughter, these appellants assaulted informant and her daughter with *lathi* and abused them by caste name.

5. Learned counsel for the appellants submits that both parties are co-villagers and due to land dispute an altercation took place and taking advantage of the same this false and concocted case has been lodged. No such occurrence, as alleged, has ever taken place. Though there is allegation of assault but there is no injury report on the record to support the same. F.I.R. does not reveal presence of any member of public when the alleged incident occurred, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act, Patna in connection with Gopalpur P.S. Case No. 679 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 21.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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