

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1052 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- SHERGHATI District- Gaya

Vikash Kumar @ Shailendra Kumar Son Of Late Tarkeshwar Prasad Resident
Of Village- Jaipur, Po- Bishunpura, Via- Cherki, Ps- Sheghati, Dist- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pinki Devi Wife Of Gurudeo Choudhary Resident Of Village- Bajaura, Tola,
Shivratipur, Ps- Dobhi, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umakant Mishra, Adv.
For the Resp./State	:	Mrs. Usha Kumari 1, Spl.P.P.
For Resp.No.2	:	Mr. Ajay Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of respondent no. 2.

2. This appeal has been filed against the order dated
16.01.2024 passed by learned Exclusive Special Judge, SC/ST
Spl. Court, Gaya in connection with Sherghati P.S. Case No. 596
of 2023, registered under Sections 341, 313, 406 of the Indian
Penal Code and Sections 3(1)(r)(s)(w), 3(2)(v-a) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act (for
short “SC/ST Act”), whereby the prayer for anticipatory bail of
appellant has been rejected.

3. Allegation against appellant and other F.I.R. named



accused persons is that they assaulted informant and also abused by taking caste name. It is further alleged that the accused persons also tried to outrage the modesty of informant.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Further submission is that from perusal of F.I.R., it is apparent that there is admitted land dispute between the parties. Assertion of title and possession by both parties led to alleged occurrence. There is no allegation of abuse and assault against this appellant. It is not the case of the informant that the alleged occurrence took place in public view, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 16.01.2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge, SC/ST Spl.
Court, Gaya in connection with Sherghati P.S. Case No. 596 of
2023.

(Prabhat Kumar Singh, J)

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