

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1057 of 2024

Arising Out of PS. Case No.-1255 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Vikash Kumar Son Of Rajendra Prajapat @ Rajendra Prajapatra Resident Of Mohalla - Nauranga, P.S. - Mufassil, District - Gaya
2. Rajendra Prajapat @ Rajendra Prajapatra Son Of Late Shiv Narayan Prajapat @ Shiv Narayan Prajapatra Resident Of Mohalla - Nauranga, P.S. - Mufassil, District - Gaya
3. Baiju Prajapat @ Baiju Prajapatra Son Of Late Shiv Narayan Prajapat @ Late Shiv Narayan Prajapatra Resident Of Mohalla - Nauranga, P.S. - Mufassil, District - Gaya
4. Saraswati Devi Wife Of Rajendra Prajapat @ Rajendra Prajapatra Resident Of Mohalla - Nauranga, P.S. - Mufassil, District - Gaya
5. Punam Devi Daughter Of Rajendra Prajapat @ Rajendra Prajapatra Resident Of Mohalla - Nauranga, P.S. - Mufassil, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gudiya Devi Wife Of Naresh Das @ Naresh Ray Resident Of Mohalla - Nauranga, Mahuadih, P.S. - Mufassil, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyamal Krishna Sinha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor
		Mr. Jawed Gaffar Khan, Advocate
		Mr. Anuj Kr. Prasad, Advocate
		Dr. Gajendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Heard learned counsel for the appellants, respondent
No. 2 and State.

2. This appeal has been filed against the order dated
29.01.2024 passed by learned Exclusive Special Judge, SC/ST
Act, Gaya in connection with A.B.P. No. 16 of 2024 arising out
of Mufassil P.S. Case No. 1255 of 2023, registered under



Sections 341, 323, 337, 338, 307, 325, 506, 379, 504/34 of the Indian Penal Code and Section 3(1)(i)(r)(s)/3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, these appellants assaulted informant by means of various weapons and abused him by caste name. It is further alleged that these appellants also looted the house of informant.

4. Learned counsel for the appellants submits that present case is counter blast of Mufassil P. S. Case No. 1252 of 2023 which was filed by appellant No. 4. As a matter of fact, appellant No. 4 has purchased a piece of land in village Nauranga, Gaya through registered sale deed on 08.06.2020 and in front of the same, informant has illegally acquired *gairmazarua* land and when appellant No. 4 objected, an altercation took place between the parties in which both sides sustained injuries. Case and counter case. It is further submitted that proceeding under Section 144 Cr.P.C. is also going on the land in question. 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 against appellants.
Appellants claim clean antecedent.

5. Learned counsel for the respondent No. 2 vehemently opposed the bail application and submitted that appellants are named in the F.I.R. with accusation that they abused and assaulted informant and looted the house. He next submits that charge-sheet has also been submitted in this case.

6. Considering the aforesaid facts and circumstances, 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, Gaya in connection with Mufassil P.S. Case No. 1255 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 29.01.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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