

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1308 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. Polish Rai @ Arvind Rai @ Arvind Kumar S/o- Shri Bali Rai Village- Budhasi, P.S.- Mohammadpur, Dist- Gopalganj
2. Pankaj Rai @ Pankaj Kumar Yadav @ Pankaj Kumar Son of Chandrama Rai @ Chandrama Yadav Village- Budhasi, P.S.- Mohammadpur, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi wife of Biresh Roy R/o Vill Budhasi P.S. Mahmmadpur Dist Gogalganj

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Satyam Shivam Sundaram, Advocate
For the Respondent	:	Mr. Binay Krishna, Sp.P.P
For the Respondent No.2	:	Mr. Sunil Kr. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-08-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 06.02.2024 passed by the learned Additional Sessions Judge-XI Cum Exclusive Special Judge, SC/ST Act, Gopalganj in A.B.P. No. 340 of 2024 in connection with Mohammadpur P.S. Case No. 204/2023 dated 29.08.2023



registered for the offence/s punishable u/s 341, 323, 324, 504 and 506 read with section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, on 27.08.2023 at about 6 P.M., when the informant son was returning to home, the informant's goat entered the paddy field of Bhola Rai, due to which Bhola Rai broke the leg of the informant's goat. On objection by the informant's son, the accused persons started abusing by calling caste name. When the informant's son made protest, the appellant no. 1 inflicted blow of knife on the informant son, causing injury. When the informant's daughter went to rescue, the appellant no. 2 assaulted her with leg and fist after slamming her on the road.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. As per the injury report, the injury is simple in



nature caused by hard and blunt substance. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants by submitting that the informant's daughter received certain internal injuries over her chest area.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.02.2024 passed by the learned Additional Sessions Judge-XI Cum Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Mohammadpur P.S. Case No. 204/2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI Cum Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Mohammadpur P.S. Case No. 204/2023, subject to conditions as laid down under section



438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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