

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1441 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- SC/ST District- Purnia

Shreekant Sah @ Shreekant Gupta @ Shreemant Gupta Son Of Late
Vidyanand Sah @ Vidyanand Gupta Resident Of Belauree, P.S. - Muffasil
Rani Patra, District - Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ravi Kumar Manjhi Son Of Motilal Manjhi Resident Of Shivpuri, Ward
No.3, P.S. And District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Prasad, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-10-2024 Heard learned counsel for the appellant and learned
Special P.P. for of the State.

2. This appeal has been filed against the order dated
21.02.2024 passed by learned Exclusive Special Judge, SC/ST
Act, Purnia in connection with SC/ST P.S. Case No. 32 of 2023,
registered under Sections 323, 341, 379, 384 of the Indian Penal
Code and Sections 3(1)(r)(s)(w), 3(2)(va) 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. The prosecution case, in brief, is that on 24.04.2024
at about 11 AM, all the accused persons, named in the F.I.R.,



including this appellant were constructing house on informant's land and on protest, they abused informant by caste name and thereafter, assaulted him. It is further alleged that accused persons demanded Rs. 1.5 crores, as extortion money, in lieu of his land and also looted a gold chain worth Rs. one lac from the informant.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence and has been falsely implicated in this case due to dirty village politics. From bare perusal of F.I.R., it is apparent that admittedly, there is land dispute between the parties and taking advantage of this fact, this false and concocted case has been lodged only to put pressure on appellant's side. There is general and omnibus allegation and no specific allegation of overt act against this appellant. Learned counsel further submits that F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal, filed for grant of anticipatory bail.

6. However, considering the aforesaid facts and



circumstances and rival submissions advanced on behalf of the parties, the impugned order dated 21.02.2024 in respect of this appellant is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 32 of 2023.

(Prabhat Kumar Singh, J)

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