

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1540 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Khagaria

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Anjan Yadav Son of Late Ganeshi Yadav Resident of Village- Rohiyar Ward
No. 14, P.S.- Mansi, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramvilas Das Son of Late Baldeo Das Resident of Village- Rohiyar, Ward
No. 9, P.S. Mansi, District- Khagaria

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent no. 2:	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-10-2024 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite valid service of notice,

nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated

16.01.2024 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, Khagaria in connection with
Khagaria (SC/ST) P.S. Case No. 31 of 2023, registered under
Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code
and Section 3(1)(r)(s) 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. As per prosecution case, on the alleged date and



time of occurrence, this appellant and co-accused Raj Kumar Yadav abused informant by caste name and thereafter, assaulted him with iron rod and butt of pistol. It is further alleged that this appellant also snatched Rs. 500/- from pocket of informant.

4. Learned counsel for the appellant submits that there is admitted land dispute between the appellant and his co-sharers and the informant is worker of co-sharer of appellant and at the instance of co-sharer, this false and concocted case has been lodged. The injury allegedly caused by this appellant is simple in nature. 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 against appellant.

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, 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 his arrest/surrender within a period of eight weeks from today, be enlarged 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Khagaria in connection with Khagaria (SC/ST) P.S. Case No. 31 of 2023.

(Prabhat Kumar Singh, J)

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