

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1640 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Saran

Munna Singh Son of Vishwanath Singh Resident of Village- Berui, P.S.-
Baniyapur, Dist.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Arun Kumar Das Son of Nagendra Das Resident of Village- Kanthchapra,
P.S.- Sahajitpur, Dist.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For respondent No. 2	:	Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-07-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.02.2024 , passed in a case registered for the offence punishable under sections 341, 323, 324, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, when the informant along with others reached at the house of the co-accused Vijay Singh on a motorcycle, in the meantime, all the F.I.R., named accused



persons including the appellant asked him to get the case of one Birenra Das compromised because the informant is the Mukhiya of the Panchayat in question but the informant advised them to meet and talk with Birendra Das, upon which all the accused persons abused the informant by caste name and also assaulted him with fists and slap .

4. It is submitted on behalf of the appellant that due to political rivalry appellant has been implicated in this case . No such occurrence as alleged has ever taken place . From bare perusal of the F.I.R., it is apparent that informant is the elected Mukhiya of the concerned Panchayat whereas the appellant was support of his rival in Panchayat election for the same post of Mukhiya due to which the informant developed annoyance and taking advantage of the fact that he belongs to Schedule caste , he lodged the present false and concocted case . Allegation is general and omnibus against the appellant and no specific overt act has been alleged against him. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed



and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 the learned Exclusive Special Judge, SC/St, saran at Chapra in connection with SC/ST Police Station Case No. 01 of 2024 .

(Prabhat Kumar Singh, J)

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