

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1833 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- SC/ST District- Banka

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1. GOURI SINGH @ SANTOSH PD. SINGH SON OF LATE PARMANAND SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 2. AMRENDRA SINGH @ AMRENDRA PD. SINGH SON OF LATE RAM SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 3. BASHISHATH @ SURENDRA PRASAD SINGH @ BASHISHATH SINGH SON OF LAE MAHABIR SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 4. KUNJ BIHARI SINGH SON OF LATE MAHABIR SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 5. FUSUSH SINGH @ BALMUKIND SINGH SON OF DIWAKAR SINGH @ LAGE DIWAKAR MANDAL RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 6. MANOHAR SINGH SON OF DIWAKAR SINGH @ LATE DIWAKAR MANDAL RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 7. AMRIT SINGH @ ANANT SINGH @ ANANT PD. SINGH SON OF LATE HARIHAR SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 8. ASHISH KUMAR SINGH SON OF PRAMANAND SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 9. GULTAN SINGH @ GULTAN KUMAR SON OF FUTHISH SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA
 10. MITAN SINGH @ PRABHU DAYAL SINGH @ MITAN KUMAR @ MILTAN SINGH SON OF FUTHISH SINGH RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MUKESH KUMAR PASWAN SON OF GHUTAR PASWAN RESIDENT OF VILLAGE - KARSANI, P.S. - RAJOUN, DISTRICT - BANKA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinay Kumar Mishra, Adv.
For the Informant	:	Mr. Ram Hriday Prasad, Adv.
		Mr. Sanjiv Kumar, Adv.
		Mr. Maruti Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. pp.



CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 23-02-2024 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 rejection of prayer for anticipatory bail vide order dated 28.02.2023 passed by the learned Additional Session Judge- 1st, Cum Special Judge, SC/ST (POA) Act, Banka in A.B.P. No. 235 of 2023 arising out of Banka SC/ST P.S. Case No. 22 of 2022 dated 18.08.2022 registered for the offence/s punishable u/ss 147, 149, 323, 341, 354, 504 and 506 of the Indian Penal Code and section 3(i)(r) (s) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused the informant by calling his caste name when he went to take water from the Nal-Jal Tank. It is further alleged that they came to his Chaupal and started abusing. When the informant protested, all the accused persons assaulted them with lathi and fists. When the family members of the informant came to rescue, they also assaulted



them and tried to outrage their modesty.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is a delay of four days in lodging the FIR. 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. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellant no. 1 and 3-10 have no criminal antecedents while the appellant no. 2 has one more criminal case 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.

6. In view of the aforesaid facts and circumstances of the case as well as finding some substance in the contention of the learned counsel for the appellants, the impugned order dated 28.02.2023 passed by the learned Additional Session Judge- 1st, Cum Special Judge, SC/ST (POA) Act, Banka in A.B.P. No. 235



of 2023 arising out of Banka SC/ST P.S. Case No. 22 of 2022, 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 Session Judge- 1st, Cum Special Judge, SC/ST (POA) Act, Banka in A.B.P. No. 235 of 2023 arising out of Banka SC/ST P.S. Case No. 22 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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