

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1727 of 2024

Arising Out of PS. Case No.-23 Year-2017 Thana- SC/ST District- Patna

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1. Jaikishore Singh SON OF LATE BISHESHWAR SINGH RESIDENT OF VILLAGE- NARGADDA, PS- SHAHPUR, DIST- PATNA
 2. RAHUL KUMAR SON OF JAIKISHORE SINGH RESIDENT OF VILLAGE- NARGADDA, PS- SHAHPUR, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. SABITRI DEVI WIFE OF RAM KRIPAL RAVIDAS RESIDENT OF VILLAGE- SHEKHUCHAK, PS- SHAHPUR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anupa Nand Jha, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Anil Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-08-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 17.02.2024 , passed in a case registered for the offence punishable under sections 448 , 341, 323, 354 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)/ 3(i)(w)/3(1)(z) of the Scheduled Castes and Scheduled Tribes Atrocities Act, whereby the prayer for anticipatory bail of the appellants has been rejected.



3. As per F.I.R., on 16.10.17 when the informant had gone to the residence of these appellants to take rent, meanwhile all the accused persons including these appellants abused informant by caste name and also assaulted informant and others causing injury to them.

4. It is submitted on behalf of the appellants that due to land dispute between the parties this false and concocted case has been lodged. The present case is counter blast of Complaint Case No. 1053 of 2017 on 25.09.2017 filed by these appellants against the informant and others. Though there is allegation of assault but there is no injury report on record to substantiate the allegation of assault. F.I.R., does not disclose that any member of the public was present at the time of incidence, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the Spl. PP as well as respondent No. 2 vehemently opposed the prayer for bail and submitted that appellants are named in the F.I.R., and there is specific allegation of assault and abused by caste name against them.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court SC/St Act, Patna , in connection with SC . ST Police Station Case No. 23 of 2017 arising out of Special No. 741 of 2017 .

(Prabhat Kumar Singh, J)

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