

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2419 of 2023

Arising Out of PS. Case No.-14 Year-2016 Thana- CHAKAND District- Gaya

-
-
1. SUSHIL KUMAR @ SUSHIL SINGH @ NANHAK SINGH @ NANHAKU SINGH Son of Ram Ratan Singh @ Ratan Singh Resident of village - Chakand Garh, P.S. - Chakand, Distt. - Gaya
 2. Ram Ratan Singh @ Ratan Singh Son of Late Ramlakhan Singh Resident of village - Chakand Garh, P.S. - Chakand, Distt. - Gaya
 3. Baiju Singh Son of Indradeo Singh @ Indra Singh Resident of village - Chakand Garh, P.S. - Chakand, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Basanti Devi Wife of Ram Bilash Manjhi R/o village - Sati Aasthan, P.S. - Chakand, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.pp.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 15-03-2024 Heard learned counsel for the appellant and 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 31.03.2023 passed by the learned court of Exclusive Special Judge, SC/ST (POA) Act, Gaya in A.B.P. No. 94 of 2023 arising out of Chakand P.S. Case No. 14 of 2016 dated 19.12.2016 registered for the offence/s punishable u/ss



147, 341, 323, 504, 506, 379 and 427 of the Indian Penal Code and sections 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 demolished the constructed wall made by the informant. When the informant protested, they abused by calling her caste name and demanded Rs. 10 lakhs as Rangdari and they also assaulted her family members with fists and slaps and took away household articles.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 31.03.2023 passed by the learned court of Exclusive Special Judge, SC/ST (POA) Act, Gaya in A.B.P. No. 94 of 2023 arising out of Chakand P.S. Case No. 14 of 2016, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his/her 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) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge, SC/ST (POA) Act, Gaya in A.B.P. No. 94 of 2023 arising out of Chakand P.S. Case No. 14 of 2016, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

