

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2303 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- SC/ST District- Rohtas

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1. Ayodhya Singh S/O Late Brij Bihari Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas
 2. Manoj Kumar Singh Late Prabhu Singh @ Prabhu Narayan Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas
 3. Prince Kumar Son of Ayodhya Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas
 4. Shubham Kumar S/O Ayodhya Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas
 5. Anjali Devi Wife of Manoj Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas
 6. Gita Kunwar Wife of Prabhu Singh Resident of Village- Dharupur, P.S.-Bikramganj, District-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Ram S/O Late Ram Swarup Ram Resident of Village-Doiya, P.S.-Dinara, District-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Kant
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna along with learned counsel appearing on behalf of the respondent no.2.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.04.2024 passed by the learned Additional District and Sessions Judge-17-cum-Special Court, SC/ST (POA) Act,



Rohtas in connection with Dehri SC/ST P.S. Case No.79/2023, registered under Sections 147, 341, 323, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants have antecedent of one case instituted by Ramayan Singh. It is next submitted that the SC/ST Act was enacted with a laudable object of ensuring protection to the SC and ST but of late it appears that the Act is being used as a tool for implicating innocent people. The learned counsel submits that appellants are related to Ramayan Singh and they have dispute relating to land. It is further submitted that Ramayan Singh instituted Bikramganj PS. Case No.596/2023 dated 19.10.2023 alleging therein that on 19.10.2023 at 8.30 A.M. he was getting the boundary of his house constructed when the present appellants came and started demolishing the newly constructed boundary and when the same was objected, Manoj and Prince tried to strangle him (Ramayan Singh) on order of Ayodhya Singh, and thereafter, Gita snatched his chain worth Rs.70,000/- and Anjali took away Rs.10,000/- from his pocket, apart from other allegations. The learned counsel submits that from bare perusal of the allegation as alleged in Bikramganj P.S. Case



No.596/2023, it would manifest that Ramayan Singh has not even remotely suggested that the appellants committed any act of assault on the labourer, who were doing the work of construction of his boundary.

4. It is next submitted that the instant F.I.R. came to be instituted by the informant at the behest of Ramayan Singh, wherein it is alleged that on 19.10.2023, while the informant along with other labourer were working in the house of Ramayan Singh on 19.10.2023, when at 8.35 A.M. the appellants came variously armed and started abusing the informant by taking caste name and on orders of Ayodhya Singh, Prince and Manoj assaulted him by danda on his left hand, thereafter, when his co-labourer came to save him, when Anshuman and Shubham assaulted Dilip. Further, Ramayan Singh on seeing the occurrence, raised alarm when the villagers started gathering and thereafter the appellants left after giving threatening.

5. The learned counsel for the appellants submits that from bare perusal of the allegations as alleged in two F.I.R i.e. one instituted by Ramayan Singh and other by the informant, it would clearly manifest that the instant F.I.R. has been instituted by the informant at the behest of Ramayan Singh in order to



implicate the appellants in a case relating to SC/ST knowing fully well that anticipatory bail is not maintainable. It is next submitted that had the appellants assaulted the informant and Dilip, as being alleged by the informant in the present case, then Ramayan Singh would also in his F.I.R. would have mentioned about this occurrence. It is next submitted that the instant F.I.R. came to be instituted by way of after thought and legally it can be called a second F.I.R. The learned counsel for the appellants further submits that police investigates in mechanical manner and the moment the case is instituted under the SC/ST Act, the police closes its eyes for reason best known. It is submitted that had the police investigated the case in its correct perspective perhaps the falsity of the allegation would have surfaced, when the allegation in the present case would have been compared with the allegation of Ramayan Singh as alleged in Bikramganj P.S. Case No.596/2023, which was instituted earlier.

6. The learned counsel appearing on behalf of the respondent no.2 is not in a position to rebut the submission of learned counsel appearing on behalf of the appellants.

7. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.2,000/- (Rupees two thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

9. The Superintendent of Police, Rohtas is directed to ensure that the case is investigated in its correct perspective and innocent persons should not be allowed to face the rigors of criminal trial. Further, in the event, if it is found that the instant F.I.R. has been instituted by way of after thought only to implicate innocent person then proper legal action be initiated.

10. Let a copy of this order be sent to the Superintendent of Police, Rohtas for its compliance.

(Satyavrat Verma, J)

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