

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2767 of 2024**

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Samastipur

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Lalbabu Singh Son Of Ram Swarup Singh Resident Of Vill- Raj Kharampur,
P.S.- Tajpur, District- Samastipur.

... .. Appellant/S

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajeev Ranjan, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Raja Ram Mishra, Adv

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 12-09-2024 Heard learned counsel for the appellant 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, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
18.05.2024 passed by the learned Special Judge, SC/ST
(POA)Act, Samastipur in connection with SC/ST P.S. Case No.
12 of 2024 registered for the offence/s punishable u/s 147, 148,
149, 341, 323, 324, 354, 436, 380, 448 of the Indian Penal Code
and Sections 3(i)(r) 3(1) (s) 3(1)(w), 32(va) of the SC/ST Act.

3. As per the prosecution case, on 09.02.2024 the



informant's son went missing then informant started searching for his son but his son was not found. At about 11:00 P.M. the appellant along with the co-accused persons armed with weapons came to the informant's house and started assaulting the family members of the informant and burnt the informant's house and sprinkled the kerosene oil on the wife of the informant but somehow she saved her life by removing her Sari. The accused persons also took away the gold ornaments from the house of the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is case and counter case between the parties. It is further submitted that there is a land dispute between the family member of the petitioner and the informant. The appellant has clean criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 01.08.2023.

5. Learned Spl. P.P. for the State and learned counsel



for the informant has vehemently opposed the prayer of bail.

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 18.05.2024 passed by the learned Special Judge, SC/ST (POA)Act, Samastipur in connection with SC/ST P.S. Case No. 12 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Special Judge, SC/ST (POA)Act, Samastipur in connection with SC/ST P.S. Case No. 12 of 2024.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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