

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3317 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- KALYANPUR District- East Champaran

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TUNTUN SINGH @ HARENDRA SINGH Son of Late Ram Swarup Singh
Resident of village - Bahuara Harvansh, P.S - Kalyanpur, Distt. - East
Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sushila Devi Wife of Nagendra Das Resident of village - Math Govardhan,
P.S. - Kalyanpur, Distt. - East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Shakil Ahmad Khan
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr. Sanjay Kumar Singh

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

ORAL ORDER

- 3 23-02-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 26.05.2023 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with A.B.P. No. 1395/2023, arising out of Kalyanpur P.S. Case No. 68 of 2023, registered for the alleged offences under Sections 279, 341, 342, 323, 324, 307, 354(B), 504, 506/34 of the Indian Penal Code and later on section 302 added and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the appellant hit two



goats by motorcycle and caught hold of the informant's hair, put her down on the earth and abused her by calling caste name, snatched *mangalsutra* and tore her saree blouse and the co-accused assaulted of the informant's son with iron rod on his head.

4. Learned counsel for the appellant submitted that the appellant is innocent and has been falsely implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant is neither driver of the apache motorcycle nor he has crushed the goat of the informant. There is case and counter case between both the parties. The appellant has got no criminal antecedent mentioned in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated



26.05.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in connection with A.B.P. No. 1395/2023, arising out of Kalyanpur P.S. Case No. 68 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ 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 learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with A.B.P. No. 1395/2023, arising out of Kalyanpur P.S. Case No. 68 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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