

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3318 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- BELAGANJ District- Gaya

Suchit Kumar Son of Anil Yadav @ Anil Kumar Resident of Vill- Tali, P.S.-
Belaganj, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Paswan ASI, PS-Belaganj, District- Gaya Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2024 Heard Mr. Sanjay Kumar Sinha, learned counsel
appearing on behalf of the appellant and Mr. Binay Krishna,
learned Special Public Prosecutor for the State.

2. Considering the fact that police official is the informant who instituted the FIR and has been made as respondent No.2 in the present appeal; no notice is required.

3. The instant appeal is preferred against the order dated 14.05.2024 passed by the Exclusive Special Judge SC/ST Gaya, whereby the prayer of the appellant for grant of anticipatory bail in connection with Belaganj P.S. Case No.186 of 2023, registered for the offences punishable under Sections 147, 149, 323, 341, 307, 353, 504, 385, 379 and 411 of IPC and 3(2)(v-a) of the SC/ST Act and 21 MM(D&R) and rule 56 BM



rule 21 has been rejected.

4. Based upon the written report, the prosecution alleges that while the appellant and other co-accused persons were loading the sand illegally in the tractor beside the Falgu river, the police party reached there. Having noticed the police party, the accused persons succeeded in fleeing away after leaving their tractor and JCB machine, which were seized by the police. It is also alleged that later on the accused persons rushed to the place of occurrence and got the seized JCB and one accused released and also abused the informant by calling his caste name and pelting stones. They also made hindrances in discharging the official duty.

5. Learned Advocate for the appellant submitted that only because of the fact that the appellant was a local resident and he was present at the place of occurrence, his name has been implicated in this case. There is no specific allegation against anyone to humiliate and insult the informant by taking his caste name. It is also contended that the allegation levelled in the FIR even if taken to its entirety no offence is made out against the appellant; moreover, taking note of aforementioned fact, identically situated co-accused namely Ravindra Kumar @ Ravindra Yadav, whose prayer for anticipatory bail was negated



by the court below has been set aside in Cri. Appeal No.4396 of 2023 vide order dated 05.04.2024, the copy of which is marked as Annexure-2 to the memo of appeal.

6. On the other hand, learned Special Public Prosecutor for the State vehemently opposed the prayer of the appellant and submission has been made that apart from abusing the informant by taking caste name, the appellant along with others caused hindrances in discharge of official duty.

7. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation as also the fact that the case of the appellant is based upon parity, this Court finds substance in the contention of learned advocate for the appellant, thus the impugned order dated 14.05.2024 passed by the Exclusive Special Judge SC/ST Gaya, in anticipatory bail No.149 of 2024 arising out of Belaganj P.S. Case No. 186 of 2023 is set aside. The criminal appeal stands allowed.

8. Let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Exclusive
Special Judge SC/ST Gaya, in connection with Belaganj P.S.
Case No.149 of 2024, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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