

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3387 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST District- Lakhisarai

SHASHIKANT KUMAR @ BABLU SINGH SON OF LATE RAM
NARESH SINGH RESIDENT OF VILLAGE - INDUPUR, P.S. -
BARAHIYA, DISTRICT - LAKHISARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR, PATNA
2. MAHABIR DAS SON OF LATE BUDHAN DAS RESIDENT OF
VILLAGE - BODHNAGAR, WARD NO.23, POLICE STATION -
BARAHIYA, DISTRICT - LAKHISARAI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Rajeev Ranjan No. II, Adv.
		Mr. Bhubneshwar Mahto, Adv.
		Ms. Priyanka Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2024 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 30.05.2023 passed by learned Additional
District & Sessions Judge, 1st-cum-Special Judge, SC/ST,
Lakhisarai in connection with Lakhisarai P.S. Case No. 10 of
2023 registered under Sections 447, 427, 385, 188 of the Indian



Penal Code and Section 3(1)(f)/3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, appellant is said to have created hindrance in constructing the house of the informant on the land in question which was given to him by the government.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has falsely been implicated in the present case due to ulterior motive. The allegation levelled against the appellant is totally false and based on concocted facts. There is admitted land dispute between the parties. Petitioner has purchased the land in question in the year 1955. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is



admitted land dispute between the parties, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, 1st-cum-Special Judge, SC/ST, Lakhisarai in connection with Lakhisarai P.S. Case No. 10 of 2023 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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