

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3454 of 2023**

Arising Out of PS. Case No.-150 Year-2022 Thana- MUFFASIL District- Aurangabad

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GOPAL SHARAN SINGH Son of Late Yamuna Singh Resident of village -  
Jalvaiya, P.S. - Kaler, Distt. - Arwal. At present R/o Veer Kuwar Singh Nagar,  
infront of Public School, Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhrigunath Singh Son of Late Rameshwar Singh Resident of village -  
Barathpur Mohalla, P.s. - Town, Distt. - Aurangabad

... .. Respondent/s

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**Appearance :**

|                         |   |                                |
|-------------------------|---|--------------------------------|
| For the Appellant/s     | : | Mr. Ashok Kumar Singh, Adv.    |
| For the Respondent/s    | : | Mr. Binay Krishna, Spl.PP      |
| For the Respondent no.2 | : | Mr. Vinay Ranjan, Adv.         |
|                         |   | Mr. Abhishek Teerthankar, Adv. |
|                         |   | Mr. Praveen Kumar, Adv.        |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      28-06-2024                      Heard learned counsel for the appellant, learned  
  
Special Public Prosecutor for the State and learned counsel for  
  
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 in short referred to as the  
SC/ST Act), against the refusal of prayer of anticipatory bail  
vide order dated 05.07.2023 passed by learned 1<sup>st</sup> Additional  
District & Sessions Judge-cum-Special Judge (SC/ST),  
Aurangabad, in connection with Aurangabad (Muffasil) P.S.  
Case No. 150 of 2022 registered under Sections 341, 323, 420,  
406, 307, 379, 504, 506 of the Indian Penal Code and Section  
3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellant are said to have taken a large amount of money from the informant on the pretext of registration of land in question, but later on they neither registered the said land in his name nor returned the money. It is further alleged that on 05.05.2022 at 6:00 O'clock, the informant got an information regarding selling of the said land to another persons by the accused persons. On the basis of the information, the informant sent his driver to the spot for verification. As soon as the driver of the informant reached on the spot, all the accused persons including the appellant started abusing and assaulting him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He submits that there is no general and omnibus allegation against the appellant. He further submits that there is admitted land dispute between the parties and title suit is going on. He further submits that one of the co-accused have been granted anticipatory by this Court vide order dated 24.01.2024 passed in Cr. Appeal (SJ) No. 3946 of 2023. He also relies upon the judgment of Hon'ble Apex Court passed in the case of ***Hitesh Verma vs. The State of Uttrakhand*** reported in (2020) 10 SCC 710. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.



5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail and submits that there is specific allegation against the appellant of abusing the driver of the informant by taking his caste name.

6. Considering the facts and circumstances of the case and the judgment of Hon'ble Apex Court passed in the case of **Hitesh Verma** (supra), let 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 enlarged 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 learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad, in connection with Aurangabad (Muffasil) P.S. Case No. 150 of 2022, 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)**

anand/-

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