

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3549 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- BODHGAYA District- Gaya

Devendra Singh, Male, aged about 43 years, S/O Late Anugrah Singh @ Ramanugrah Singh, R/O Village- Gafa Khurd, P.S- Bodh Gaya, Distt.- Gaya, Bihar.

... .. Appellant

Versus

1. The State of Bihar.
2. Simpi Devi, Female, W/O Sanjay Pashwan, R/O Village- Gafa Khurd, P.O.- Janibigha, P.S- Bodh Gaya, Distt.- Gaya, Bihar.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Sanjay Kumar, Advocate
For the Respondent No.2:	:	None.
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Learned counsel for the appellant is directed to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellant and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

3. 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 of



the appellant vide order dated 15.07.2023, passed by the learned Exclusive Special Judge, SC/ST, Special Court, Gaya in A.B.P. No. 206 of 2023 in connection with Bodhgaya P.S. Case No. 383 of 2023 registered for the offences punishable under Sections 341, 504, 509/34 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act.

4. The prosecution case, in brief, is that when the informant was going to possess a land which was purchased by her, the appellant and the co-accused Dharmendra Singh abused her by calling her caste name and insulted her after holding her hands.

5. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the alleged occurrence took place on 23.03.2023 but the F.I.R. was lodged on 01.05.2023 for which no explanation has been given by the prosecution. It is further submitted that the father of the appellant had three brothers and there was an equal share of all in the land in question which was purchased by the informant and the land in question was not exclusive share of the alleged vendors Tarkeshwar Singh and Balkeshwar Singh but the same was transferred in the name of



the informant. It is submitted that when the informant applied an application for mutation of the said land before the Circle Officer, Bodhgaya, in her name and when it has come to the knowledge of the appellant, he filed an objection petition before the Circle Officer, Bodhgaya on 09.11.2022 mentioning therein the details description of the land. There is general and omnibus allegation against the appellant. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 15.07.2023, passed by the learned Exclusive Special Judge, SC/ST, Special Court, Gaya in A.B.P. No. 206 of 2023 in connection with Bodhgaya P.S. Case No. 383 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, 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



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 the learned Exclusive Special Judge,
SC/ST Special Court, Gaya in in connection with Bodh Gaya
P.S. Case No. 383 of 2023, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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