

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3600 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- NTPC District- Bhagalpur

1. Prabhunath Singh Son Of Late Rajendra Prasad Singh Resident Of Village -ALAMPUR, Ps- Ntpc Kahalgaon, District -BHAGALPUR
2. Arvind Singh Son Of Late Rampyare Singh Resident Of Village -ALAMPUR, Ps- Ntpc Kahalgaon, District -BHAGALPUR
3. Jitendra Yadav @ Jitendra Kumar Yadav Son Of Shalik Lal Yadav Resident Of Village -SHIV Parwat Nagar, Ward No. 16, Ps- Kahalgaon, Distt- Bhagalpur
4. Akshay Dey @ Akshay Kumar Dey Son O Shyamlal Dey Resident Of Village -WARD No. 09, P.S. - Sainthiya, Nihare Patty, Santhia, Distt- Birbhum, West Bengal

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhinav Srivastava

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-03-2024 Heard learned counsel for the appellants 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 08.06.2023 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC & ST Act), Bhagalpur in connection with NTPC P.S. Case



No. 32 of 2023, registered for the alleged offences under Sections 341, 323, 504, 379, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(B), 2(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, when the informant went to the Contractor P.N. Singh for demanding money of his completed work of fly ash in NTPC, Bhagalpur, instead of giving payment to the informant, the appellant no. 1 abused him by calling caste name and threatened him if he comes again they would beat him after tying. It is further alleged that on 09.04.2023 the informant went for his work and started work of reloading and begs to the accused persons for his earlier payment, then all the accused persons commit *marpit* with the informant and the appellant no. 3 snatched Rs. 15,000/- from the informant and the appellant no. 4 snatched his golden chain from his neck.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegation of abusing against the appellants 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 appellants. There is no specific allegation against these appellants rather there is general and omnibus allegation against these appellants. There is case and counter case between both the parties. The appellants have 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 appellants.

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 appellants, the impugned order dated 08.06.2023 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC & ST Act), Bhagalpur, in connection with NTPC P.S. Case No. 32 of 2023 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC & ST Act), Bhagalpur,



in connection with A.B.P. No. 1463/2023, arising out of NTPC
P.S. Case No. 32 of 2023, subject to the conditions mentioned in
Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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