

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3636 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- GADHPURA District- Begusarai

1. Rajan Kumar Roy @ Rajan Singh, (M-32 Y), S/o Late Madhusudan Roy @ Maksudan Singh, R/O-Vill.-Motar, P.S.-Gadhpura, Dist.-Begusarai.
2. Mahesh Singh, (M-55 Y), S/o Late Yugal Singh @ Yugal Kishore Singh, R/O-Vill.-Motar, P.S.-Gadhpura, Dist.-Begusarai.
3. Gulshan Kumar, (M-22 Y), S/o Mahesh Singh, R/O-Vill.-Motar, P.S.-Gadhpura, Dist.-Begusarai.
4. Sujit Kumar @ Ram Gulam Roy @ Suchit Kumar Roy @ Ram Gulam Kumar, (M-27 Y), S/o Amresh Roy @ Chuno Roy, R/O-Vill.-Motar, P.S.-Gadhpura, Dist.-Begusarai.
5. Prince Kumar @ Baua, (M-26 Y), S/o Dinesh Singh, R/O-Vill.-Motar, P.S.-Gadhpura, Dist.-Begusarai.

... .. Appellants

Versus

1. The State of Bihar.
2. Rajdeo Paswan, S/o Late Nannu Paswan Bangali Rajak, R/o Vill.-Susta, P.S.-Gayghat, Dist.-Muzaffarpur, presently posted as Sub Inspector of Police Gadhpura Police Station, Dist.-Begusarai.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Shubhesh Pandey, Advocate
For the Respondent No. 2:	:	None.
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Learned counsel for the appellants 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 appellants 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 appellants vide order dated 17.07.2023, passed by the learned Special Judge, SC/ST (POA), Begusarai, in A.B.A. No. 1528 of 2023, in connection with Gadhpura P.S. Case No. 34 of 2020, registered for the offences punishable under Sections 341, 323, 504, 427, 353, 188/34 of the I.P.C. and Sections 3(1)(r)(s) (w) of the SC/ST (POA) Act.

4. The prosecution case, in brief, is that on 21.04.2020 at 10.30 A.M., when the informant alongwith police personnel were going for patrolling and they reached the door of the complainant, namely, Sulekha Devi, to solve the matter during that, the villager Bipesh Singh alongwith the co-villagers came there and started dispute and pushing and encircling the vehicle and hitting with danda along with 20-25 persons. When the police personnel have objected and said that to comply the rule of lockdown then they have broken the window and light of the government vehicle and started abusing with caste narrated words and misbehaved with the police personnel and also all the persons raising slogans in violation of the lockdown.



5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is further submitted that on 31.03.2020, an application was given by the appellants' side to the Circle Officer, Gadhpura, against the co-villagers who were trying to get the land of the joint family of the appellants encroached, the co-villagers have managed to give an application to the police station against the appellants' family members and by managing the police, police have got the present case registered for no offence. It is further stated that from perusal of the case records, it is evident that neither any body has sustained injury nor the alleged back side of the said vehicle has been found broken. It is further submitted that similarly situated co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Appeal (SJ) No. 3257 of 2023 under order dated 18.10.2023. 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 appellants. The appellants have 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 appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 17.07.2023, passed by the learned Special Judge, SC/ST (POA), Begusarai, in A.B.A. No. 1528 of 2023, in connection with Gadhpura P.S. Case No. 34 of 2020, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Gadhpura P.S. Case No. 34 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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