

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3500 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Khagaria

NARAYAN SINGH S/O LATE NANDAN SINGH R/O VILLAGE-
ICHARUA, WARD NO. 09, P.S- ALAULI, DIST.- KHAGARIA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANI DEVI W/O CHANDAN SINGH R/O VILLAGE- ICHARUA,
WARD NO. 09, P.O- AMBA, P.S- ALAULI, DIST.- KHAGARIA.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Anuj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Bharat Bhushan Vidyapati, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 09.06.2024, passed in a case registered for the offence punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. The prosecution case in brief is that on 10.02.2024, while the informant was constructing house on her land, in the meantime, due to dispute over pathway, all the accused persons named in the F.I.R., including this appellant,



who happen to be neighbours of the informant, came and assaulted informant and also abused her by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. As a matter of fact, on the alleged date and time of occurrence, due to dispute over pathway, a simple *maar-peet* took place between the parties, as a result of which both sides sustained injuries. There is case and counter-case between the parties and case lodged by appellant's side is earlier in point of time. Moreover, the F.I.R. does not disclose that any any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the appellant and submitted that appellant is named in the F.I.R. and they has also got one criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



19.06.2024 passed by the Court of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Khagaria, in connection with Special A.B.A. No. 28 of 2024 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Khagaria, in connection with Khagaria SC/ST P.S. Case No. 3 of 2024.

(Prabhat Kumar Singh, J)

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