

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3946 of 2023

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

BINOD KUMAR SINGH S/O SARJU SINGH R/O VILLAGE- JALWAIYA,
P.S- KALER, DISTT.- ARWAL

... .. Appellant/s

Versus

1. The State of Bihar
2. BHRIGUNATH SINGH S/O LATE RAMESHWAR SINGH R/O
MOHALLA- BARATPUR, P.S- TOWN, DISTT.- AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rama Kant Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-01-2024 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 22.11.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

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 vide order dated 15.06.2023 passed by learned Special Judge, (SC/ST) Act cum 1st Additional District and Sessions Judge, Aurangabad (Bihar) 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 Sections 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. 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 the 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 A.M., the informant got an information regarding selling of the said land to another person 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 him and also assaulted him. They also took Rs. 10,000/- from the pocket of the driver.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of abuse and assault levelled against the appellant is general and omnibus. There is admitted land dispute between the parties. No offence under Section SC/ST Act is made out against the appellant. He further relied upon the judgment of the Apex Court in case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme**



Court Cases 710. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is admitted land dispute between the parties and there is no specific allegation of slating by taking the caste name against the appellant, 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 released 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 the learned Special Judge, (SC/ST) Act cum 1st Additional District and Sessions Judge, Aurangabad (Bihar) 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.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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