

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4036 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- TANKUPPA District- Gaya

Vikas Kumar @ Vikas Singh @ Vikas Kumar Singh Son Of Nand Kishor
Singh Resident Of Village- Tankupa, Ps- Fatehpur, Distt- Gaya

... .. Appellant/S

Versus

1. The State Of Bihar
2. Shrawan Paswan Son Of Vishun Paswan Resident Of Village- Simariya, Ps- Cherki, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. P.P. for the State submits that vide order dated 08.11.2023, she 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 22.07.2023 passed by learned Exclusive Special Judge (SC/ST Act) Court, Gaya in A.B.P. No. 238/2023



in connection with Tankuppa P.S. Case No. 116 of 2023 registered under Sections 447, 341, 323, 504, 379, 427/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he along with 5-6 unknown persons came and started abusing by taking caste name and assaulted the informant and damaged the household of the informant.

5. It is submitted by learned counsel for the appellant that 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. He has been falsely implicated in the case. The allegation of assaulting levelled against the appellant is not specific rather general and omnibus in nature. It is admitted land dispute between the parties, it is clear from the F.I.R. itself. There is no specific overt act against the appellant. Nothing incriminating articles has been recovered from the conscious possession or the house of the appellant. No one has sustained injury in the occurrence. 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, the above named appellant, there is general and omnibus allegation against the appellant and it is admitted land dispute between the parties, 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 Exclusive Special Judge (SC/ST Act), Court, Gaya in A.B.P. No. 238/2023 in connection with Tankuppa P.S Case No. 116 of 2023, 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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