

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4015 of 2023**

Arising Out of PS. Case No.-311 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

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1. Rajesh Singh @Rajesh Kr. Singh Son Of Sudhir Prasad Singh Village- Kola Narayanpur, Ps- Jagdishpur, Dist- Bhagalpur
  2. Sudhir Prasad Singh @ Sudhir Singh Son Of Late Fulo Singh @ Late Fulchand Singh Village- Kola Narayanpur, Ps- Jagdishpur, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Harijan Son Of Mahendra Harijan Village- Kola Narayanpur, Ps- Jagdishpur, Dist- Bhagalpur

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ambrish Kumar Jha, Adv.  
For the Respondent/s : Mr. Binay Krishna, Spl PP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

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

2. Learned Spl. P.P. for the State submits that vide order dated 08.11.2023, 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 04.08.2023 passed by learned 3<sup>rd</sup> Additional



District & Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 311 of 2023 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. The allegation against the appellants is that they have forcibly ploughed the field and uprooted trees of *Sagwan* with JCB which was planted in the field of the informant. It is further alleged that they have assaulted and abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. It is admitted land dispute between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury and there is no injury report in the case diary. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary.



There is inordinate delay of fifteen days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellant no.1 has two criminal antecedent and appellant no. 2 has no criminal antecedent as mentioned in para-3 of 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 appellants, considering the arguments of the parties and on perusal of record, it is found that it is admitted land dispute between the parties and there is general and omnibus allegation of slating the informant by taking caste name, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Addl. District & Sessions Judge-cum Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 311 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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