

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4082 of 2023**

Arising Out of PS. Case No.-317 Year-2023 Thana- HISUWA District- Nawada

Gyandeep Sharma@ Chhotu Sharma Son Of Krishna Sharma Resident Of
Village- Bhulan Bigha, Ps- Hisua, Distt- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Subodh Kumar Rajak Son Of Suresh Rajak Resident Of Village- Teli Tola,
Ps- Hisua, Ward No. 18, Distt- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar, Adv
For the Respondent/s : Mr.Usha Kumari 1, Spl.pp

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-03-2024 Heard learned counsel for the appellant and learned
Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the
Scheduled Castes and Scheduled Tribes against the refusal of
prayer for anticipatory bail vide order dated 16.08.2023 passed
by the learned Exclusive Special Judge (SC/ST) Nawada,
A.B.No. 1974 of 2023 in connection with Hisua P.S. Case no.
317 of 2023 registered for the alleged offences under sections
341, 323, 325,324 of the Indian Penal Code and Section 3(i) (r)
(s) of the SC/STAct.

3. As per the prosecution case, the informant made
construction on his land by appellant, Gyandeep Sharma . The



appellant is a manson and he was doing the construction work of informant along with his labour and there is dispute between both the parties for payment of labour cost.

4. learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that labour cost of the appellant was due and after demand for payment of his dues the informant lodged the false case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellant has clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant and submitted that the process of 82 and 83 of the Cr.P.C had already been executed against the appellant because of the fact that he is evading his arrest and not surrendering before the Court hence, the anticipatory bail application is not maintainable against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the fact that the appellant was declared a



proclaimed offender so the prayer of anticipatory bail of the appellant is not maintainable. Accordingly, the same is disposed of with direction to the appellant to surrender before the Court below concerned within six weeks from today and the prayer for regular bail and the learned Court below will consider the prayer for regular bail of the appellant on the same day in accordance with law and on its own merits without being prejudiced by this order.

8, the application stands disposed of.

(Chandra Prakash Singh, J)

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