

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4177 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- BELAGANJ District- Gaya

Chandan Kumar Son Of Yogendra Saw Resident Of Village- Sindani, Ps-
Belaganj, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Sachin Kumar Son Of Karu Paswan Resident Of Village- Sindani, Ps-
Belaganj, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Babu, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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

ORAL ORDER

3 05-04-2024 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 (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the rejection of prayer for anticipatory bail of the appellant vide order dated 11.07.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Belaganj P.S. Case No. 66 of 2023 dated 01.02.2023 registered for the alleged offences under Sectionss 341, 323, 307, 379, 354(a), 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, when the land of the informant's uncle was being measured by the government amin, in the meantime, the appellant and the co-accused persons are alleged to have come there and abused the informant by calling his caste name. On being objected by the informant, the co-accused, Ranjit Kumar assaulted the informant with iron rod on his head due to which he sustained injury. When the informant's mother came there then the co-accused, Ranjit Kumar and the appellant, Chandan Kumar slammed her on the ground and snatched her golden chain. Thereafter, the informant was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is a land dispute between the parties. The specific allegation of assault on the head of the informant is against the co-accused, Ranjit Kumar and the appellant has no concern with the alleged offence. Learned counsel has further submitted that the allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged incident. Hence, no *prima facie* case is made out against the appellant under the provisions of SC/ST (PoA) Act. The appellant has no criminal antecedent as stated in para 3 of the bail 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.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order order dated 11.07.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Belaganj P.S. Case No. 66 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Belaganj P.S. Case No. 66 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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