

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4326 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- AWTARNAGAR District- Saran

1. GAYA SINGH SON OF LATE DINESHWAR SINGH RESIDENT OF VILLAGE - RAMGARDHA RUPEN, P.S. - AWATARNAGAR, DISTRICT - SARAN
2. RANJAN KUMAR SINGH SON OF GAYA SINGH RESIDENT OF VILLAGE - RAMGARDHA RUPEN, P.S. - AWATARNAGAR, DISTRICT - SARAN
3. MANISH KUMAR SINGH @ PRASHANT KUMAR SINGH SON OF GAYA SINGH RESIDENT OF VILLAGE - RAMGARDHA RUPEN, P.S. - AWATARNAGAR, DISTRICT - SARAN
4. ROHIT KUMAR SINGH @ ROHIT KUMAR SON OF MITHLESH SINGH RESIDENT OF VILLAGE - KAITHAL DHOLAH, P.S. - AMNAUR, DISTRICT - SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANTU KUMAR RAM SON OF LATE BHOLA RAM WORKING AS A IN-CHARGE HEAD MASTER, NAV SRIJIT PRATHMIK VIDYALAYA, RAMGARDHA NADI PAR, GARKHA, DISTRICT - SARAN, RESIDENT OF VILLAGE - MIRJAPUR, WARD NO.14, P.S. - AWATARNAGAR, DISTRICT - SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvnendra Kumar Thakur
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 11-12-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 09.08.2023, passed by learned Exclusive Special Judge SC/ST, Saran, in ABP No. 2741 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule



Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Awatarnagar Police Station Case No. 198 of 2023 registered for the offence punishable under Sections 436/34 of the Indian Penal Code and Section 3 (1)(r) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant was posted as In-charge Headmaster at Nav Srijit Prathmik Vidyalaya, Ramgardha, Nadi par, and the land was measured and identified by the Circle Officer, Garkha, for construction of school building on 23.06.2023. When the work for construction of building was taken up, the appellants having lathi, danda and variously armed, abused the informant by his caste name, assaulted him and snatched Rs. 10,000/- from the pocket of the informant.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to dispute regarding land, which was identified by the Circle Officer, Garkha, for construction of school building. He next submits that the appellants are the



owners of the land, which was inherited by them from their ancestors and upon protest by them, the present First Information Report has been lodged. There was no intention on the part of the appellants to humiliate the informant by his caste name. He further submits that the district authority, after verifying the claim of the appellants that the land belongs to them, have shifted the construction site of the school building.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the appellants and submits that while the construction of the school building was initiated by the Headmaster, the appellants, along with other accused persons, arrived there, assaulted and abused the informant by his caste name.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be dispute regarding land and on the claim raised by the appellants, the school building has been shifted to some other land, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated



09.08.2023, passed by learned Exclusive Special Judge, SC/ST, Saran, in ABP No. 2741 of 2023, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Saran, in connection with Awatarnagar Police Station Case No. 198 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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