

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4396 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- BELAGANJ District- Gaya

RAVINDRA KUMAR @ RAVINDRA YADAV son of Basant Yadav @ Niru
Yadav Village- Dalechak Ps- Belaganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Deepak Kumar Paswan ASI Belaganj Ps- Belaganj Ps- Belaganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gajendra Kumar Singh, Adv.
For the Respondent No. 2	:	Mr. Shambhu Narayan Singh, Adv.
		Mr. Suraj Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

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

ORAL ORDER

3 05-04-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the rejection of prayer for anticipatory
bail vide order dated 11.08.2023 passed by the learned
Exclusive Special Judge, SC/ST Special Court, Gaya in A.B.P.
No. 258 of 2023 arising out of Belaganj P.S. Case No. 186 of
2023 dated 26.03.2023 registered for the offence/s punishable
u/ss 147, 149, 323, 341, 307, 353, 504, 385, 379 and 411 of the
Indian Penal Code, 3(2) (va) of the SC/ST (POA) Act, section



21 MM (D & R) Act and rule 56 of BM Rule, 2021.

3. As per the prosecution case, the appellant and the co-accused persons were loading the sand illegally in the tractor in the Falgu River. When the police party reached there, they fled away from there with the tractor and police seized JCB machine. Thereafter, the accused persons came there and got the seized JCB and one accused released. They also abused the informant by calling his caste name and pelting stones and made hindrance in discharging of official duty.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the



anticipatory bail petition 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 dated 11.08.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya in A.B.P. No. 258 of 2023 arising out of Belaganj P.S. Case No. 186 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his/her arrest or 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 A.B.P. No. 258 of 2023 arising out of Belaganj P.S. Case No. 186 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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