

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4411 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- GADHPURA District- Begusarai

-
1. SUSHANT KUMAR Son of Bipin Kumar Singh RESIDENT OF VILLAGE MORTOR, P.S. GADHPURA, DISTT BEGUSARAI
 2. Rishikesh Kumar @ Khurkhuri Son of Vijay Kumar Rai RESIDENT OF VILLAGE MORTOR, P.S. GADHPURA, DISTT BEGUSARAI
 3. Bipin Kumar Rai @ Bipin Singh Son of Ramvilas Rai RESIDENT OF VILLAGE MORTOR, P.S. GADHPURA, DISTT BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajdev Paswan Son of Late Nannu Paswan R/o vill Susta, P.S - Gayghat, Distt. - Muzaffarpur and Presently resident of Gadhpura, P.S. - Gadhpura, Distt. - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sarvottam Kumar, Adv.
For the Respondent No. 2	:	None
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.pp.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

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 08.08.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in



connection with Gadhpura P.S. Case No. 34 of 2020 dated 21.04.2020 registered for the offence/s punishable u/ss 341, 323, 353, 504, 427, 188 read with section 34 of the Indian Penal Code and 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, on 21.04.2020 at 10.30 A.M., when the informant along with the police personnel was going for patrolling and they reached the door of the complainant, namely, Sulekha Devi, to solve the matter during that, the villager Bipesh Singh along with the co-villagers came there and started disputing and pushing and encircling the vehicle and hitting with danda. When the police personnel objected and said to comply the rule of lockdown then they have broken the window and light of the government vehicle and started abusing with caste related words and misbehaved with the police personnel and also all the persons raised slogans in violation of the lockdown.

4. Learned counsel for the appellants has submitted that the appellants have 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 appellants hence no case is made out under section SC/ST Act. There is no specific allegation against the appellants. Similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 23.02.2024 passed in Cr. Appeal (SJ) No. 3636 of 2023. The appellants have no criminal antecedents 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 appellants.

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 appellants, the impugned order dated 08.08.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Gadhpura P.S. Case No. 34 of 2020, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Gadhpora P.S. Case No. 34 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

