

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4872 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- KANKARBAG District- Patna

Sanjit Prasad Sinha @ Sanjit Kumar Sinha Son Of Parshuram Prasad Sinha
R/O 3mf/10/421, Bhoothnath Road, Bahadurpur Housing Colony, P.S.-
Agamkuan, Dist.- Patna

... .. Appellant/S

Versus

1. The State Of Bihar Patna
2. Santosh Paswan Son Of Panchu Paswan R/O Village- Dusadhi Pakri, Thana-
Kankarbagh, Dist.- Patna- 800026

... .. Respondent/S

Appearance :

For the Appellant/s : Mr. Amarnath Kumar , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Despite valid service of notice , nobody appears
on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 19.08.2023 , passed in a case registered for the offence punishable under sections 447, 504, 506 and 34 and other allied sections of the indian penal code , section 27 of arms act and sections 3(1)(r)(s) of the scheduled castes and scheduled tribes (prevention of atrocities) act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, this appellant along with other co-accused persons came to the house of the informant and tried to



confiscate the bike which belongs to the informant's tenant namely, Tullu Kumar.

4. It is submitted that the appellant has no concern with the informant. The appellant neither knew the informant personally nor he is aware of his caste or tribal identity. From bare personal of the F.I.R., it is apparent that the appellant came to the house of the informant to get his recovery from the informant's tenant, namely, Tullu Kumar in lawful manner but the informant who has no locus in the said recovery protested the recovery process with the malafied intention and in order to save his tenant named Tullu Kumar from EMI's which was due from last two months, this false and concocted case has been lodged against this appellant as such, no case under the SC/ST Act is made out. . Appellant claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Exclusive Special



Judge, SC/St (POA) Act, Patna in connection with Kankarbagh
Police Station Case No. 152 of 2022 .

(Prabhat Kumar Singh, J)

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