

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4759 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- JANTA BAZAR District- Saran

Mukesh Singh @ Pupun Singh @ Mukesh Kumar Singh S/O Late Ramayan
Singh R/O Village And P.O. Dayalpur, Ps. Janta Bazar, Dist. Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rameshwar Ram S/O Late Chhathu Ram R/O Village And P.O. Dayalpur,
Ps. Janta Bazar, Dist. Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though, notice has been issued and validly served
upon respondent no. 2, but nobody appears on behalf of
respondent no. 2.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 09.08.2023 passed by learned Additional
Sessions Judge-3rd, Saran, in connection with Janta Bazar P.S.
Case No. 241 of 2022 registered under Sections 341, 342, 323,



504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other co-accused persons are said to have assaulted the informant.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellant. He submits that there is admitted land dispute between the parties. He also relies upon the judgment of Hon'ble Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand and Anr.*** reported in (2020) 10 SCC 10. Appellant has got eighteen criminal antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes the prayer for anticipatory bail.

7. Considering the facts and circumstances of case and the fact that appellant has eighteen criminal antecedent, I am not inclined to enlarge the appellant on anticipatory bail. The prayer for anticipatory bail of the appellant is hereby rejected.



However, if the appellant surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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