

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4853 of 2023

Arising Out of PS. Case No.-600 Year-2023 Thana- FATEHPUR District- Gaya

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Shailesh Kumar @ Shailesh Pandey Son Of Anil Kumar Kant @ Anil Pandey
Mohalla- Dumarichatti Po- Dumarichatti Ps- Fatehpur Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Reshmi Devi wife of Sunil Ravidas Village- Dumarichatti Po- Dumarichatti
Ps- Fatehpur Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-05-2024 Despite valid service of notice , nobody appears on
behalf of the respondent No. 2.

2. This appeal has been filed for setting aside order dated 03.11.2022, passed in a case registered for the offence punishable under sections 504, 506, 427, and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per F.I.R, on the alleged date and time of occurrence, all the accused persons including these appellants assaulted the victim and abused by caste name .



4. It is submitted that the appellant has falsely been implicated in this case. As a matter of fact, the informant had purchased a piece of land from the appellant and constructed a house to live in, but the informant has encroached on the land and projected a *chhajja* over the encroached land. A family member of the informant always used to pass urin near the road by standing at *chhajja*, for which a Title Suit No. 114/17/247/15 is pending before the Court of Sub-Judge I, Gaya, in which the appellant and informant have been made parties in suit. The allegation is general and omnibus against the appellant. It is not the case of the prosecution that any member of the public was present at the time of incidence, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Special Public Prosecutor for the State oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellant only 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) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Judge, SC/St, Special Court Gaya, in
connection with Fatehpur Police Station Case No. 600 of
2023.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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