

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5173 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- CHANDAUTI District- Gaya

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1. Sanny Raj @ Sintu @ Sittu Kumar Son of Pinku Yadav @ Pinku Kumar Resident of Village - Kandi Nawada, P.S. - Chandauti, District - Gaya
 2. Ashish Kumar @ Ashish Yadav Son of Gahan Yadav Resident of Village - Kandi Nawada, P.S. - Chandauti, District - Gaya
 3. Bittu Kumar Son of Mathura Yadav Resident of Village - Kandi Nawada, P.S. - Chandauti, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkishore Paswan Son of not known Presently posted as Sub-Inspector of Chandauti Police Station, P.S. - Chandauti, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 18-11-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 08.10.2024, passed by learned Exclusive Special Judge SC/ST, Gaya, in ABP No. 284 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Chandauti Police Station Case No. 201



of 2024 registered for the offence punishable under Sections 147/148/149/341/323/353/333/504/506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2) (va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report lodged by Sub-Inspector of Police, is that on 31.05.2024, while on patrolling, the police saw a tractor loaded with sand, the tractor, bearing BR02GG-4227, was stopped and papers were demanded from the driver. However, the papers were not produced and in the meanwhile, owner of the tractor, along with 34 FIR named accused persons, variously armed, arrived there and started abusing informant and others by their caste name and also assaulted them due to which they sustained injuries. Thereafter, the accused persons fled away with the tractor.
4. Learned counsel for the appellants submits that the appellants are innocent have not committed any offence in the manner alleged and they have falsely been implicated in the present case merely on the basis of suspicion. The allegation against the appellants, along with others, are general and omnibus in nature and no specific overt act has been alleged against them. He next



submits that the appellants have no concern with the tractor, in question, as they are neither the driver nor the owner, rather the co-accused Chhotu Kumar is the owner of the tractor as would be evident from the First Information Report itself.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellants formed unlawful assembly and hurled caste based abuse and assaulted the police officials while discharging duty. An attack on police while on official duty undermines the safety and security of law enforcement agency. Incidents of mob violence against law enforcement agency have become order of the day now in the State which can be very dangerous, often escalating tensions and compromising public safety, accordingly, I am not inclined to grant the appellants privilege of anticipatory bail.
6. This appeal is, accordingly, rejected and the order, dated 08.10.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 284 of 2024, is affirmed.
7. However, if the appellants surrenders before the concerned court and seeks regular bail, the same may be considered by the learned Exclusive Special Judge



SC/ST, Gaya, without being prejudiced to the fact that the
anticipatory bail of the appellants have been rejected.

(Anil Kumar Sinha, J)

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