

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5328 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- SC/ST District- Gopalganj

1. Anand Deo Pandey Son Of Late Raghunath Pandey Resident Of Village- Dharma Parsa, Ps- Manjhagarh, Distt- Gopalganj
2. Sunil Pandey @ Sunil Kumar Pandey Son Of Anand Deo Pandey Resident Of Village- Dharma Parsa, Ps- Manjhagarh, Distt- Gopalganj
3. Manohar Sah @ Manohar Kumar Sah Son Of Late Mangaru Sah Resident Of Village- Dharma Parsa, Ps- Manjhagarh, Distt- Gopalganj
4. Ranjit Kumar Gupta @ Ranjeet Kumar Son Of Vidhyananad Sah Resident Of Village- Dharma Parsa, Ps- Manjhagarh, Distt- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-07-2024 Despite valid service of notice, no one appears on behalf of respondent No. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated 01.09.2023 passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with A.B.P. No. 1969 of 2023 arising out of Gopalganj SC/ST P.S. Case No. 39 of 2023, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(g)and 3(2)(va) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per the prosecution case, informant got executed a sale deed from Lalbabu Pandey with respect to the land of Khata No. 38, plot No. 1101 area 10 dhur and since then appellant No. 1 used to abuse him and threaten him that he will not let informant possess the said land. It is further alleged that on 19.7.23 at about 8 AM, these appellants attacked informant and abused him by calling caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to land dispute. As a matter of fact, appellant no. 1 has filed a complaint case in the court of learned Chief Judicial Magistrate, Gopalganj *vide* Complaint Case No. 895 of 2023 against informant and others and in retaliation this false and concocted case has been lodged against the appellants. It is further submitted that appellant no. 1 has also filed a suit in the court of learned Sub-Judge, Gopalganj *vide* Title Suit No. 540 of 2023 for declaring the sale deed in question as null and void. Due to this land dispute, this false case has been instituted. Lastly, he submits that F.I.R. does not disclose presence of any member of public when the alleged incident occurred, as such, no offence under SC/ST Act is made out.



6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with A.B.P. No. 1969 of 2023 arising out of Gopalganj SC/ST P.S. Case No. 39 of 2023.

8. Accordingly, the impugned order dated 01.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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