

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5431 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- GAURICHAK District- Patna

Niranjan Kumar @ Niranjan Sao S/O Parmanand Sao R/O Road No. 25b,
Rajiv Nagar, P.S- Rajiv Nagar, Distt.- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sonemanti Devi W/O Ram Nath Das R/O Chamardih, P.S- Gaurichak,
Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Usha Kumari Singh
For the Respondent/s	:	Mrs. Usha Kumari I
For the Informant	:	Mr. Surya Nandan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-07-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. This appeal has been filed for setting aside order dated 17.10.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in a case wherein cognizance has been taken for the offence punishable under sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and u/s 3(1)(r)(3) of the Scheduled Castes and Scheduled Tribes Atrocities Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per prosecution case, allegation against the appellant is that he abused the father-in-law of the informant by caste name and assaulted him by iron rod as a result of which



father-in-law of the informant sustained injuries in his hand.

4. It is submitted by learned counsel appearing on behalf of the appellant that the present case is counter-blast of Gaurichak P.S. Case No. 14 of 2023 which was lodged by this appellant against the husband and father-in-law of the informant. Just to save their skin from the aforesaid case, this false and concocted case has been lodged. As a matter of fact, father-in-law of the informant executed a sale deed in favour of the appellant on 20.01.2022 with respect to sale of the land of Area- 15 dec. appertaining to Mauza- Chamardiha, P.S.- Gaurichak, P.S. No. 65, Khata No. 94, Plot No. 1111 at the rate of Rs. 2,75,000/- per katha and at the time of execution of the agreement, this appellant paid a total sum of Rs. 6,00,000/-. However, father-in-law of the informant has yet not executed sale deed of five katha of land in question for which appellant was putting pressure to execute. Though there is allegation of assault against this appellant but there is no injury report on record to substantiate the allegation. It is further submitted that it is not the case of the prosecution that there was any member of public at the time of incidence, hence, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant has one criminal antecedent.



5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing on behalf of the informant/ Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant and submitted that this appellant assaulted the father-in-law of the informant as a result of which his hand got fractured.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.10.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Gaurichak P.S. Case No. 15/2023 is hereby set aside with respect to this appellant only.

7. Accordingly, 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 Court, SC/ST Act, Patna, in connection with Gaurichak P.S. Case No. 15/2023.

(Prabhat Kumar Singh, J)

Ranjeet/-

U		T	
---	--	---	--

