

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5411 of 2023**

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

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MUKESH SAO @ MUKESH KUMAR SON OF RAM PARVESH SAO @
RAM PARWESH PD. R/O VILLAGE- SIMRA, P.S.- KONCH, DIST.-
GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. AKHILESH DAS SONOF BASUDEV DAS R/O VILLAGE- SIMRA, P.S.-
KONCH, DIST.- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Dharmesh Kumar, Advocate
For the Respondent/s	:	Mr.Ramchandra Singh, Spl.P.P Mr. Durgesh Nandan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated 6.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 379, 427, 504, 506/34 of the IPC and section 3(i)(r)(s)(w)(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 20.7.2023 at about 5:15 pm when the informant was doing construction work on his purchased land, the appellant and other accused persons came



there and started demolishing the construction and they abused the informant.

4. Learned counsel appearing for the appellant submits that as a matter of fact, the informant being member of SC community for fulfilling his nefarious design made house over the public land obstructing the public pathway for which petition u/s 133 of Cr.P.C was filed vide Misc.No. 179/2023 before the S.D.M. Tekari, Gaya. During enquiry of the said case appellant was present on the spot. Informant and his family members thrashed the appellant and also tried to snatch rifle of constable for which Konch Police Station Case No. 346 of 2023 was registered against the informant and his family members. Taking advantage of the situation appellant filed this false and concocted case. F.I.R. has been lodged after inordinate delay of four days without any explanation which renders the entire prosecution case doubtful. There is no allegation of abuse by caste name, as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.



7. 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 SC/ST Police Station Case No. 39 of 2023.

(Prabhat Kumar Singh, J)

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