

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5469 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Samastipur

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1. Satish Kumar Singh @ Satish Singh Son of Bechan Singh @ Manoj Kumar Singh Resident of village- Rajakharampur, P.S.-Tajpur, District- Samastipur
 2. Ravindra Singh Son of Ganjal Singh @ Jangali Singh @ Ganjali Singh Resident of village- Rajakharampur, P.S.-Tajpur, District- Samastipur
 3. Rahul Kumar @ Rahul Singh Son of Devendra Singh @ Ravindra Singh Resident of village- Rajakharampur, P.S.-Tajpur, District- Samastipur

... .. Appellants

Versus

1. The State of Bihar Bihar
2. Mantu Das Son of Late Shobhit Das Resident of Village- Rajakha Rampur, P.S.- Tajpur, Distt.- Samastipur

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Shyam Kishore
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-12-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 26.11.2024 passed by the learned Special Judge, SC/ST Act, Samastipur In A.B.P. No. 3250 of 2024 arising out of SC/ST Case No. 12/2024 registered for the



offence/s punishable u/s 147, 148, 149, 341, 323, 324, 354, 436, 380, 448 of the Indian Penal Code and Sections 3(1)(r) 3(1) (s) 3(1)(w), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 09.02.2024 the informant's son went missing then informant started searching for his son but his son was not found. At about 11:00 P.M. the appellants along with the co-accused persons armed with weapons came to the informant's house and started assaulting the family members of the informant and burnt the informant's house and sprinkled the kerosene oil on the wife of the informant but somehow she saved her life by removing her Sari. The accused persons also took away the gold ornaments from the house of the informant.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under SC/ST Act. The other co-accused person has already been granted bail by this court *vide* order dated 12.09.2024 passed in Cr. App (SJ) No. 2767/2024. As per Annexure-2, compromise has taken



place between both the parties. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 26.11.2024 passed by the learned Special Judge, SC/ST Act, Samastipur In A.B.P. No. 3250 of 2024 arising out of SC/ST Case No. 12/2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur In A.B.P. No. 3250 of 2024 arising out of SC/ST Case No. 12/2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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