

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5708 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Patna

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Randhir Kumar Son of Raj Kumar Ray R/o vill - Mathiyapur, Shekhuchak,
P.S. - Shahpur, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Son of Bindeshwar Paswan R/o vill - Shivchak, P.S. -
Shahpur, Dist.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Mr. Uday Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-08-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 18.10.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in ABP No. 9463 of 2023 arising out of SC/ST P.S. Case No. 50 of 2023, registered under Sections 147, 148, 149, 447, 448, 341, 323, 354, 504, 506, 379 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per F.I.R., this appellant along with unknown persons came at the house of informant and started assaulting



informant and his wife with iron rod. It is further alleged that the accused persons also abused informant by caste name and snatched gold earrings and chain and caught hand of the wife of informant with *mala fide* intention.

4. Learned counsel for the appellant submits that no occurrence, as alleged, has ever been committed by the appellant. As a matter of fact, informant wanted to grab appellant's money. As a matter of fact, two blank cheques were provided by the appellant to the father of informant in advance for purchase of land which was subsequently executed in favour of appellant's wife after taking the consideration money. Now, informant was not returning blank cheques of the appellant for which dispute occurred between the parties and taking advantage of the same, this false and concocted case has been lodged against the appellant. Allegation of assault and misbehaving with the wife of informant is super addition only to make the case grave. Moreover, F.I.R. is silent about who, member of the public, was present when the incident occurred, as such, no offence under SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act, Patna in connection with SC/ST P.S. Case No. 50 of 2023.

7. Accordingly, the impugned order dated 18.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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