

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.59 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Shambhu Prasad @ Milan Singh son of Late Babuchand Singh @ Babuchand Prasad @ Babuchand Raut Village- Bazarkhajuria Ps- Sidhwaliya Dist- Gopalganj
2. Nitesh Singh @ Nitesh Kumar son of Shambhu Prasad @ Milan Singh Village- Bazarkhajuria Ps- Sidhwaliya Dist- Gopalganj
3. Chandan Singh @ Chandan Kumar son of Gandhi Singh Village- Bazarkhajuria Ps- Sidhwaliya Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar son of Late Sahdev Manjhai Village- Bazarkhajuria Ps- Sidhwalia Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramadhar Shekhar , Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 21.11.2023 passed in a case registered for the offence punishable under sections 435 , 427, 504, 506, 120B and 34 of the Indian Penal Code and sections 3 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case , all the F.I.R., named accused persons including these appellants were burning the trolley of the informant and on protest by the informant, these



appellants abused the informant and his family members by caste name .

4. It is submitted on behalf of the appellants that they are innocent and have falsely been implicated in this case due to land dispute for which several cases was pending in between the parties. It is further submitted that informant is a habitual of lodging such false and concocted case . There is six days delay in lodging the F.I.R., for which there is no plausible explanation which itself creates doubt over the entire prosecution case . He lastly submits that present case is counter version of the alleged occurrence lodged by the appellant No. 1 Shambhu Prasad. In the court of learned CJM, Gopalganj bearing Complaint Case No. 2314 of 2023 instituted against the informant and others. It is not the case of the prosecution that any member of public was present on the place of occurrence, as such, no case under SC/ST Act is made out.

5. Counsel for the OP 2 and Spl. P P opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to these appellants only and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-XI-cum-Exclusive Special Judge, SC/St Act, District Gopalganj (Bihar) in connection with ABP No. 2974 of 2023 , arising out of Sidhwaliya Police Station Case No. 294 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

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

