

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1872 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Santosh Kumar Son of Late Mahendra Singh Resident of Village - Pachapan
Tola, P.S.- Muffasil (Lakho), District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Paswan Late Visho Paswan R/V- Lakho, Ward No.-07, P.S-
Muffasil(Lakho), Dist-Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Braj Bhushan Poddar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Yogesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 31-01-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 13.03.2024 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in connection with ABP No. 344 of 2024 arising out of Muffasil P.S. Case No. 707 of 2023 registered under 341, 323, 379, 504, 506/34 and of the Indian Penal Code and Sections 3(i)(r)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 01.12.2023 at about 8, while informant was going to participate in a feast, this appellant along with other F.I.R. named accused persons and 10



unknown persons came there and pointed pistol on the head of informant and took Rs. 7,000/- from his pocket. It is further alleged that appellant abused informant by caste name and also threatened him.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant has falsely been implicated in this case by informant in collusion with Ex-Mukhiya Rajesh Singh due to political rivalry as appellant is husband of member of Panchayat Samiti. There is no allegation of assault against appellant and rest of the allegations are ornamental only to make the case grave. It is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as 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 eight 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 Special



Judge, SC/ST (POA) Act, Begusarai in connection with ABP
No. 344 of 2024 arising out of Muffasil P.S. Case No. 707 of
202.

7. Accordingly, this criminal appeal is allowed and
impugned order dated 13.03.2024 is set aside with respect to the
appellant only.

(Prabhat Kumar Singh, J)

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