

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2317 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- SC/ST District- Samastipur

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1. Ajay Kumar Singh @ Ajay Singh @ Ajay Kumar Son of Vishwanath Singh Resident of Village -Chochahi Bharpura, ward no- 12 P.S.- Bibhutipur, District -Samastipur.
 2. Vikash Kumar @ Vikash Sharma @ Vikash Kumar Sharma Son of Munna Sharma Resident of Village -Chochahi Bharpura, ward no- 12 P.S.- Bibhutipur, District -Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baiju Rajak Son of Late Dorik Rajak Resident of Village -Chochahi Bharpura, ward no- 12 P.S.- Bibhutipur, District -Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rabindra Kumar Priyadarshi, Adv
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-02-2025 Despite filing Vakalatnama, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This criminal appeal has been filed against the order dated 16.03.2024 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 721 of 2024 in connection with SC/ST Samastipur P.S. Case No. 97 of 2023, instituted under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(f)/3(2)(va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Prosecution case, in brief, is that on 30.10.2023 at about 08:30 A.M, informant got information from villagers that FIR named accused persons including these appellants were cultivating his land. When the informant opposed, all the accused persons assaulted and abused him by taking his caste name.

5. Learned counsel for the appellant submits that appellants are innocent and have committed no offence. He further submits that assertion of right, title and possession over a piece of land which is claimed by both the parties, quarrel took place and taking advantage of the situation, this false and concocted case has been lodged against the appellants. Moreover, the FIR has been lodged after delay of four days of the alleged occurrence and there is no plausible explanation for the same. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State



opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Samastipur in connection with SC/ST Samastipur P.S. Case No. 97 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 16.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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