

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2586 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- SC/ST District- Siwan

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1. Umesh Bhagat Son of Ramshanehi Bhagat R/O Vill.- Khilwa, P.S.- Guthani, Dist.- Siwan
 2. Om Singh @ Om Singh Kushwaha Son of Umesh Bhagat R/O Vill.- Khilwa, P.S.- Guthani, Dist.- Siwan
 3. Ram Singh @ Ram Singh Kushwaha Son of Umesh Bhagat R/O Vill.- Khilwa, P.S.- Guthani, Dist.- Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Om Prakash Gond Son of Parmeshwar Gond R/O Vill.- Khilwa, P.S.- Guthani, Dist.- Siwan

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Prabhakar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Udit Nr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-04-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 01.05.2024, passed in a case registered for the offence punishable under Sections 341, 323, 354B, 385, 387, 447, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on



26.08.2023 at about 9 AM, all the accused persons named in the F.I.R., including these appellants, came at the shop of informant and asked to vacate the shop upon which the informant told that he had paid Rs. 4,50,000/- to Raja Ram Bhagat for buying the shop and when the same amount would be returned, only then he would vacate the shop upon which all the accused persons abused him by caste name and also assaulted him. It is further alleged that when daughter of informant came to save him, she was also assaulted by the accused persons.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, Appellant No. 1 is the purchaser of the land in question upon which the informant is running a shop and Appellants No. 2 and 3 are sons of Appellant No. 1. When appellants asked informant to vacate the shop, this false and concocted case has been lodged only with a view to harass and humiliate the appellants. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.



5. On the other hand, learned Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 01.05.2024 passed by the learned Additional Sessions Judge-Ist-cum-Special Judge, Siwan in connection with SC/ST (Siwan) P.S. Case No. 18 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 Sessions Judge-Ist-cum-Special Judge, Siwan in connection with SC/ST (Siwan) P.S. Case No. 18 of 2024.

(Prabhat Kumar Singh, J)

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