

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3459 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- SC/ST District- Gaya

Jitendra Singh @ Jitendra Kumar Singh, S/O Janak Singh, R/O Village-
Nandi Bigha, P.S- Belaganj, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Raju Kumar, S/O Arvind Chaudhary, R/O Village- Nandu Bigha, P.S-
Belaganj, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjay Kumar Singh, Adv. Mr. Wasi Mohammad, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-11-2025 Heard Mr. Wasi Mohammad, learned Advocate for

the appellant and Mr. Binay Krishna, learned Spl. PP for the

State.

2. Despite the repeated call, no one appeared on
behalf of the respondent no. 2. Earlier also when the matter was
taken up, the position was the same.

3. Invoking the jurisdiction of this Court under
Section 14 A (2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (hereinafter referred to as
the “SC/ST Act”) the appellant seeks quashing of the order
dated 05.07.2024 passed in A.B.P. No. 186 of 2024 whereby the
prayer for anticipatory bail of the appellant arising out of SC/ST



P.S. Case No. 64 of 2023 registered for the offences punishable under Sections 341, 323, 436, 504, 506 and 34 of the Indian Penal Code as well as Section 3(1)(r) and 3(1)(s) of the SC/ST Act stood rejected.

4. Allegedly the appellant alongwith five other armed with stick, iron rod and pistols surrounded the house of the informant and started abusing and threatened to kill him alongwith his entire family. It is alleged that co-accused persons assaulted the informant by fist, stick and iron rod. In the night of the fateful day, the accused persons once again came to the house of the informant and set his house on fire.

5. Learned Advocate for the appellant submitted that the alleged occurrence took place on 26.10.2023, but the present FIR came to be instituted on 15.11.2023, after a delay of almost 20 days, however, without there being any explanation. The allegation of setting the house on fire completely belied in view of the statement given by the grandfather of the respondent no. 2, who categorically stated that no one has seen that who set the house on fire. The dispute has also been brought before the Panchayat and they did not find complicity of the appellant and others in the crime. It is further contended that so far the penal provisions of the Indian Penal Code is concerned, all the offences are bailable, except Section 436, which is not made out against the



appellant. The materials available on record also does not attract the provisions of the SC/ST Act. The appellant has absolutely fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

6. On the other hand learned Spl. PP for the State vehemently opposed the prayer of the appellant and submitted that the appellant has actively participated in the crime and abused the respondent no.2.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the omnibus nature of allegation coupled with the statement recorded by the grandfather of the respondent no.2 as well as the statement recorded in Panchayati where both the parties have put their signature, besides, no *prima facie*, case under the penal provision of the SC/ST Act is made out, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judges S.C./S.T., Gaya in connection with S.C./S.T. P.S. Case No. 64 of 2023, subject to the condition that one of the bailors shall be the own/close family members of the



appellant.

8. In view thereof, the impugned order dated 05.07.2024 passed in A.B.P. No. 186 of 2024 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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