

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3851 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- RIVILGANJ District- Saran

Sudhir Singh Son of Late Ramanuj Singh R/O- Village-Nayka Barka Baiju Tola (Baiju Tola), P.S.- Rivilganj, Distt.- Saran at Chapra

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Sanjay Kumar Son of Late Shivraj Prasad R/O- Mukundpur Ke Tola,Rith, P.S.- Ekma, Distt.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Bindhyachal Singh, Sr. Adv. Mr. Awadhes Kumar, Adv Mr. Dewendra Narayan Singh, Adv
For the Respondent	:	Mrs.Usha Kumari 1, Sp.PP
For the O.P. No. 2	:	Mr. Awadhesh Kumar Singh, Adv Mr. Pramod Kr. Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 06-02-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 03.08.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Rivilganj P.S. Case No. 223/2024 dated 25.07.2024 registered for the offence/s



punishable u/s 126(2), 304(2), 308(2) and 132 read with Section 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the informant has alleged that he handed over the charge of Halka Dakshinwari Chakki to Shri Gobind Kumar, in which the charge of the four documents were not handed over. As the petitioner, who is a land mafia snatched the documents from Branch Revenue Office for illegal collection and work done parallelly to the Revenue Office and gave life threats for which the informant made oral complaint. Thereafter, the informant visited to the petitioner demanding documents. On which, the petitioner abused the informant calling his caste name. On 11.07.2024, a notice was issued for taking action against the informant after which the informant went to the petitioner's house where the petitioner and the co-accused persons assaulted the informant and repeatedly insulted him calling lower caste. The informant was kept hostage till 3:30 P.M. and was demanded a total of Rs. 3 lacs in exchange for the Revenue document.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a delay of 10 days in lodging the F.I.R.



Learned counsel has submitted that vide office order as contained in Memo No. 528 dated 11.07.2024 passed by the Circle Officer, Rivilganj, which has also been made part to the F.I.R, the informant was directed to hand over the charge of all the above mentioned four documents as mentioned in the F.I.R, to informant's successor Govind Kumar but even then, in pursuance of the said office order, no action was taken by the informant as well as the informant nowhere made any explanation as for what reason he is not handing over the charge of said four documents to his successor. As per FIR, no member of public was present at the relevant point of time of the incident. The appellant has three criminal antecedent as stated at para 3 of the Supplementary Affidavit. The appellant is in custody since 28.07.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 03.08.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Rivilganj P.S. Case



No. 223/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Rivilganj P.S. Case No. 223/2024.

(Chandra Prakash Singh, J)

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