

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4397 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- SC/ST District- Sheikhpura

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Ajay Sao @ Ajay Kumar S/o- Late Raghunandan Prasad Resident of Village-
Ramzanpur, P.S-Barbiga, Dist.-Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajnish Kumar Son of Shivalak Paswan Village- Narsinghpur Ps- Jayrampur
Dist- Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Yadav, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-02-2025 1. Heard learned Counsel for the appellant and
learned Additional Public Prosecutor for the State.
2. An order dated 20.08.2024, passed by learned
Special Judge, SC/ST-cum- 1st Additional District & Sessions
Judge, Sheikhpura in A.B.P. No. 470 of 2024, is under challenge
in the present appeal preferred under Section 14-A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the anticipatory bail application
of the appellant in connection with ST/SC Police Station Case
No. 13 of 2023 registered for the offences punishable under
Sections 341/323/504/506/34 of the Indian Penal Code and
Sections 3(i)(r)/3(i)(s)/3(2)(va) of the Scheduled Caste and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 14.04.2024, when the informant went to the tea shop of the appellant to purchase some articles, where one unknown person was also standing, the appellant assaulted the informant by taking his caste name and upon protest, the appellant assaulted the informant and also threatened him. One unknown person also started assaulting the informant.

4. Learned Counsel appearing on behalf of the appellant submits that appellant has falsely been implicated in this case due to previous land dispute between the parties. Both parties are co-villagers and the Police, after investigation, found the case untrue against the appellant and submitted final form, not sending the appellant for trial, however learned Special Court differed with the final form and took cognizance against the appellant. He further submits that the caste name was not taken in the full public view.

5. On the other hand, learned counsel for the informant/ respondent no. 2 as well as learned Spl.P.P. for the State have opposed the prayer for anticipatory bail and submit that as per Section 18 of the Scheduled Caste and Scheduled



Tribes (Prevention of Atrocities) Act, 1989, the anticipatory bail is not maintainable.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are co-villagers having land dispute, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, this appeal is allowed and the order dated 20.08.2024, passed by learned Special Judge, SC/ST-cum- 1st Additional District & Sessions Judge, Sheikhpura in A.B.P. No. 470 of 2024, is set aside.

8. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST-cum- 1st Additional District & Sessions Judge, Sheikhpura in A.B.P. No. 470 of 2024 arising out of SC/ST PS Case No. 13 of 2023.

(Anil Kumar Sinha, J)

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