

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4528 of 2023

Arising Out of PS. Case No.-70 Year-2020 Thana- KHIJARSARAI District- Gaya

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1. PAPPU SINGH SON OF LATE KAMALA SINGH RESIDENT OF
RESIDENT OF VILLAGE - TETARIYA, P.S. - KHIZERSARAI,
DISTRICT - GAYA
 2. MUNNA SINGH @ MUNNA KUMAR SON OF GIRIJANANDAN
SINGH @ GIRIJA SINGH RESIDENT OF RESIDENT OF VILLAGE -
TETARIYA, P.S. - KHIZERSARAI, DISTRICT - GAYA
 3. GUDDU SINGH @ RAJEEV RANJAN SINGH SON OF ANIL SINGH
RESIDENT OF RESIDENT OF VILLAGE - TETARIYA, P.S. -
KHIZERSARAI, DISTRICT - GAYA
 4. SUNIL SINGH SON OF LATE KAMALA SINGH RESIDENT OF
RESIDENT OF VILLAGE - TETARIYA, P.S. - KHIZERSARAI,
DISTRICT - GAYA
 5. SONU KUMAR @ SONU SINGH SON OF PAPPU SINGH RESIDENT
OF RESIDENT OF VILLAGE - TETARIYA, P.S. - KHIZERSARAI,
DISTRICT - GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SHIV KUMAR RAVIDAS SON OF LATE KALI RAVIDAS RESIDENT
OF VILLAGE - KATARI, POLICE STATION - NIMCHAK BATHANI,
DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr. Gajendra Kumar Singh, learned
counsel for the appellants, learned counsel for the Respondent
No.2 as well as Mr. Sadanand Paswan, learned Special Public
Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated



26.07.2023 passed by the learned Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with A.B.P. No. 255 of 2023 arising out of Khizersarai P.S. Case No. 70 of 2020, F.I.R. dated 07.03.2020 registered under Sections 147, 148, 149, 341, 506 of the Indian Penal Code and Sections 3(1)R of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. According to the prosecution case, when informant alongwith other associates were cutting *Masoor* (pulse) in his field, appellants arrived and asked the informant to leave otherwise they will shoot them. Thereafter, appellants opened fire upon them.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. From bare perusal of the FIR it appears that appellants have not abused the informant. He further submits that due to admitted land dispute, appellants have been implicated in this case and no injury is sustained by both sides. There is case and counter case between the parties. He further refers to paragraph no.18 of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr.)** which is quoted hereinbelow:-



“Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent no. 2 vehemently opposed the prayer for bail of the appellants and submits that appellant nos. 1, 2 & 3 carries one criminal antecedent in which they are on bail and appellant nos. 4 & 5 have clean antecedent.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Hence, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with A.B.P. No. 255 of 2023 arising out of Khizersarai P.S. Case No. 70 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

8. Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Rajesh Kumar Verma, J)

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