

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4596 of 2023

Arising Out of PS. Case No.-440 Year-2023 Thana- DHANARUA District- Patna

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- 1 . RAKESH RANJAN SON OF JAI PRAKASH SINGH VILLAGE-BHOLACHAK, PS. DHANARUA, DIST. PATNA
 2. JAI PRAKASH SINGH S/O RAJ KUMAR SINGH VILLAGE-BHOLACHAK, PS. DHANARUA, DIST. PATNA
 - 3 . UDAY PRAKASH SINGH @ UDAY SINGH S/O RAJ KUMAR SINGH VILLAGE- BHOLACHAK, PS. DHANARUA, DIST. PATNA
 4. MANTU KUMAR S/O DINDAYAL SINGH VILLAGE- BHOLACHAK, PS. DHANARUA, DIST. PATNA
 - 5 . DHIRAJ KUMAR S/O ARBIND SINGH VILLAGE- BHOLACHAK, PS. DHANARUA, DIST. PATNA
 6. RAJ VIKRAM @ SANJAY SINGH S/O LATE SATYANARAYAN SINGH VILLAGE- BHOLACHAK, PS. DHANARUA, DIST. PATNA

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. VIRENDRA PASWAN S/O LATE MUNDRIKA PASWAN VILLAGE-BHOLACHAK, PS. DHANARUA, DIST. PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Udbhav , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Mr. Sanjay Kumar , Advocate
		Mr. Gyan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 15.09.2023 passed in a case registered for the offence punishable under sections 341 , 323 , 379, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 25.07.2023 at about 9 o'clock when the construction of Waste Processing Unit (WPU) was going on under the *Swachhata Abhiyan* on the land in question , all the F.I.R., named accused persons including these appellants came there and opposed the construction work and thereafter, all the accused persons forcibly entered in house of informant and abused him by caste and and also assaulted and misbehaved with wife and daughter-in-law of the informant. It is further alleged that accused persons took away Rs. 20,000/ from pocket of the informant and also demanded Rs. 50,000/ as extortion for construction of WPU .

4. It is submitted that as a matter of fact the villagers of *Bholachak* were protesting the construction of Waste Processing Unit in their vicinity by Block authorities as houses of may of them including the appellants is situated near the site of the construction of the waste processing unit and the same will cause health and hygiene problems to them and taking advantage of the situation the informant who is *Mukhiya* of the Panchayat lodged this false and concocted case against these appellants. Allegation is general and omnibus against these



appellants. No specific allegation of any overt act is alleged against these appellants. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned counsel for the respondent No. 2 and Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Exclusive Special Judge, SC/ST Act Patna in connection with Dhanarua Police Station Case No. 440 of 2023 .

(Prabhat Kumar Singh, J)

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