

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.8 of 2024

Arising Out of PS. Case No.-100 Year-2021 Thana- DANAPUR District- Patna

Rishikesh Roy Son of Sri Ram Lakhan Prasad R/o Saguna Naya Tola
Sultanpur, P.S. - Danapur, Distt. - patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajni Kumari S/o Sri Ramswarath Mahto R/o Sahjadpur Anderkila Narwas
Chowk, P.S. - Nagar Thana, Hazipur, Dist. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sarvan Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-04-2025 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 30.11.2023 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 325, 307,
337, 379, 427 and 504 of the Indian Penal Code, Sections 3(1)
(r)(s)(w) and 3(2)(va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act and Section 27 of the Arms
Act, whereby the prayer for anticipatory bail of the appellant



has been rejected.

4. As per prosecution case, this appellant is alleged to have abused informant by caste name and also opened fire.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. Though there is allegation that this petitioner opened fire but no one has sustained any fire arm injury. From bare perusal of the F.I.R. it is apparent that there is admitted land dispute between the parties and in order to settle the land dispute, this false and concocted case has been lodged. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 30.11.2023 passed by the learned Special Court, SC/ST Act, Patna in connection with A.B.P. No. 9895 of 2023 arising out of Danapur P.S. Case No. 100 of 2021 is hereby set aside with



respect to this appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with A.B.P. No. 9895 of 2023 arising out of Danapur P.S. Case No. 100 of 2021.

(Prabhat Kumar Singh, J)

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