

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5722 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- SC/ST District- Gaya

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JAGATRANI DEVI W/O NARSINGH PRASAD GUPTA @ NARSINGH
GUPTA R/O VILLAGE- PAHARPUR, P.S- MAGADH MEDICAL, DISTT.-
GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Patna
2. MALTI DEVI W/O MAHAVIR PASWAN R/O VILLAGE- KAJICHAK,
P.S- MAGADH MEDICAL, DISTT.- GAYA.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Mr. Durgesh Nandan, Advocate
		Ms. Puja, Advocate
		Ms. Rashmi Kumari , Advocate
		Ms. Saloni Saran, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 16.09.2023 passed in a case registered for the offence punishable under sections 341, 323, 406, 420, 504, 506, 385/34 and other allied sections of the Indian Penal Code and 27 of Arms Act and sections 3(i)(r)(s) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has



been rejected.

3 . As per the prosecution case , on 28.05.2023 at about 2:30 PM, accused persons armed with weapons entered into the house of complainant Malti devi with the intention to commit murder. It is further alleged that one Sharav Yadav made obscene advances towards the complainant's daughter-in -law and opened fire and abused by caste name . It is further alleged that accused persons also snatched jewellery and threatened with dire consequences.

4. Learned counsel for the appellant submitted that from bare perusal of F.I.R., it is apparent that due to admitted land dispute between one Shawant Sanjay Raj and informant for which informant has already lodged on other case in SC / ST P S Case No. 50 of 2022 of District Gaya against the said Shawant Sanjay Raj , this false and baseless case has been lodged. Shawant Sanjay Raj is the son of this appellant. There is general and omnibus allegation against this appellant. Specific accusation of abuse by caste name and assault is against other co-accused persons and as such no case under SC / ST Act is made out against this appellant. Appellant claims clean antecedent.

5 . Learned counsel for the respondent No. 2 as well



as learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned special Judge sc /st spl. Court Gaya in connection with SC /ST Police Station Case No. 27 of 2023 .

(Prabhat Kumar Singh, J)

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