

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4784 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SC/ST District- Gaya

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Akhilesh Singh @ Akhileshshi S/o- Late Shivnandan Singh @ Shiv Singh
Village- Barwan Thaman Bigha Ps- Sherghati Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Hira Lal Das S/o- Late Ram Kewal Das Village- Thewaichak Po- Chilim Ps-
Sherghati Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Ratneshwar Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 02-04-2026 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 the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order

dated 21.09.2024 passed in a case registered for the offence

punishable under Sections 341, 323, 419, 420, 467, 468, 471,

385, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)

(s)(w) and 3(2)(v-a) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, whereby the prayer for



grant of anticipatory bail to the appellant has been rejected.

4. The prosecution case, in brief, is that on 13.06.2016, the informant had gone to deposit rent in the Anchal Office, Sherghati, where, one of the official present in the office apprised the informant of the fact that her mother is no more owner of the property and started demanding money to insert her name. It is further alleged that when the informant refused to pay the money, he was abused by caste name and threatened to be implicated in false case.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that appellant is only alleged to have tried to pacify the matter. There is absolutely no allegation of any overt act or abuse by caste name against this appellant and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

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

7. Considering the facts and circumstances of the case



and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 21.09.2024 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya in connection with Gaya SC/ST P.S. Case No. 53 of 2023 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T. (P.O.A.) Act, Gaya in connection with Gaya S.C./S.T. P.S. Case No. 53 of 2023.

(Prabhat Kumar Singh, J)

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