

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5126 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Sheikhpura

Prince Kumar Gautam S/O Satyendra Kumar @ Satyendra Kumar Singh
Resident of village - Bhola Bigha, Police station Islampur, District- Nalanda
at present residing at Mohalla Shivpuri near shed, Police Station -Laheri,
District- Nalanda.

... .. Appellant

Versus

1. The State of Bihar
2. Rinki Devi W/o Late Anandi Paswan R/O Mohalla- Wazitpur,P.S and Dist.-
Sheikhpura.

... .. Respondents

Appearance :

For the Appellant : Mr. Anil Kumar Singh, Advocate
For the Respondent-State: Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 12-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 13.09.2024 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura, in A.B.P. No. 555 of 2024 arising out of Sheikhpura P.S. Case No. 9 of 2024, registered under Sections 379, 354, 323, 341, 504, 506/34 of the Indian Penal Code read with Section 3(i)(r), 3(i)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for



grant of anticipatory bail of the appellant has been rejected.

3. The present case came to be instituted on the basis of complaint case. The complainant/informant, namely, Rinku Devi, alleged that on 16.11.2023 at 10:00 AM, the appellant along with two unknown persons came to the house of the complainant and started abusing her late husband by taking caste name. On being objected, the appellant told her to return the cheques which he had given to the late husband of the complainant else she will be killed and also thrashed her by her hairs. On seeing two villagers coming there, the appellant and his accomplices fled away on a motorcycle. It is further alleged that the appellant also snatched her gold chain worth Rs. One lakh. She has also alleged that she had given a legal notice to the appellant, his mother and father on 10.11.2023.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. He has not committed the offence alleged. He further submits that from a bare perusal of the complaint the same appears to be a concocted story. Learned counsel for the appellant submits that due to land dispute, the appellant has been falsely implicated in this false case. As regards allegation of abuse by taking caste name attracting the rigours of SC & ST



Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submit that there is a complete embargo under Section 18 of SC/ST Act, so as to not to entertain the anticipatory bail application. The appellant is an influential man and he is trying to grab the house of the complainant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the allegation does not come under the purview of SC/ST Act, let the above named appellant, in the event of his arrest/surrender within a period of six weeks, be released 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 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura, in



connection with Sheikhpura P.S. Case No. 9 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

7. Accordingly, this appeal is allowed and the impugned order dated 13.09.2024 rejecting the prayer for grant of anticipatory bail to the appellant is set aside.

(Praveen Kumar, J)

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