

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3018 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -SIRDALA District- NAWADA

=====

1. Srikant Prasad Son of Jagdish Prasad
2. Jagdish Prasad Son of Bhunna Prasad
3. Indo Prasad @ Ravindra Prasad Son of Bhunna Prasad
4. Kishun Prasad Son of Puna Prasad
5. Bhim Prasad Son of Kishun Prasad All are Resident of Village-
Chulahari, P.S. Sirdalla, District-Nawada.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Binay Krisha, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-11-2017 Heard the learned counsels for the appellants and the

Spl. P.P.

The appellants have put up a challenge to the order dated 13.09.2017 passed by the learned 1st Additional Sessions Judge, Nawada in connection with Sirdalla P.S. Case No. 105/2017 instituted for the offences under Sections 147, 148, 149, 341, 323, 504, and 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the prayer for their being released on bail, in anticipation of their arrest, has been rejected.

The F.I.R. indicates that when the informant protested against the construction of a hut in the middle of a road,



the appellants and others abused the informant and also resorted to firing, which did not hit anybody.

Learned counsel for the appellants, however, on the other hand, submits that the present case is only a counterblast to Sirdalla P.S. Case No. 104/2017, which was lodged by one Ram Sharan Prasad who is the brother of appellant no. 2 against the employer of the present informant. The employer of the present informant has instigated the informant of the present case to lodge this against the appellants by adding the provisions of SC/ST (Prevention of Atrocities) Act.

There appears to be minor dispute with respect to construction of a hut and provisions of SC/ST Act appears to have been added only to add gravity to the offence. This Court is of the view that no offence under any one of the provisions of the SC/ST (Prevention of Atrocities) Act can at all be said to have been made out.

Taking into account the aforesaid facts, the order dated 13.09.2017 is set aside.

The appellants are directed to be released on bail, in the event of their surrender/arrest, subject to their furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Additional



District & Sessions Judge 1-cum-Spl. Judge, Nawada in
connection with Sirdalla P.S. Case No. 105/2017.

(Ashutosh Kumar, J.)

Rakhi

U		T	
---	--	---	--

