

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3231 of 2017

Arising Out of PS.Case No. -12 Year- 2016 Thana -SC/ST District- JEHANABAD

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1. Munna Kumar, Son of Dinesh Prasad, R/o Pandooi Mathiya, P.S.- Paras Bigha, District- Jehanabad.
 2. Ajit Kumar S/o Gajendra Prasad, R/o Pandooi Mathia, P.S.- Paras Bigha, District- Jehanabad.
 3. Surendra Kumar S/o Kamta Prasad, R/o Pandooi Mathia, P.S.- Paras Bigha, District- Jehanabad.
 4. Dilip Kumar S/o Girjanand Prasad, R/o Pandooi Mathia, P.S.- Paras Bigha, District- Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeet Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-12-2017 The appellants have challenged the order dated 24.06.2016, passed by the learned Additional Sessions Judge, 1st, Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 12 of 2016, G.R. No. 878 of 2016, dated 07.06.2016 instituted for the offences under Sections 147, 341, 323, 324, 379, 308, 354, 504 of the Indian Penal Code and Section 3(1)(g)(w)(i) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

It has been alleged in the F.I.R that the brother of the informant viz. Yogendra Kumar was assaulted and killed for not giving money for the purposes of fixing the electric pole in the



ground. The further allegation in the F.I.R is that all the accused persons including the appellants came to the house of the informant and abused the brother of the informant by taking his caste name.

Learned counsel for the appellants however states that but for naming the appellants in the F.I.R, no specific overt act has been alleged against them. In fact, the entire allegation is directed towards one Dipu Kumar who is said to have assaulted Yogendra Kumar on his head by means of Khanti.

The police, during investigation did not find the complicity of the appellants and therefore did not send them up for facing trial. However, the Special Court, differing with the police report, took cognizance against the appellants as well.

For the facts stated above, this Court is of the view that no offence under anyone of the provisions of the SC & ST (Prevention of Atrocities) Act gets attracted as against the appellants. Apart from this, taking into account the facts that appellants are not said to have assaulted the informant, this Court is inclined to set aside the impugned order.

Accordingly, the order dated 24.06.2016 is set aside.

The appellants, above named are directed to be



released on bail in the event of their surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st, Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 12 of 2016, G.R. No. 878 of 2016.

(Ashutosh Kumar, J)

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