

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1160 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -SC/ST District- JEHANABAD

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1. Shambhu Sao @ Shidheshwar Prasad, son of Late Murari Sao @ Murli Manohar Resident of Mohalla- Mohan Pandit Ji Ke Gali, Jehanabad, Police Station- Jehanabad, District- Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar -Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 04-02-2017

Heard learned counsel for the appellant as well as learned Additional Public Prosecutor.

Although, the case has been registered under Sections 341, 323, 338, 307, 504/34 of the I.P.C. and Section 3(2)(V) of S.C./S.T. (Prevention of Atrocities) Act, but from perusal of the written report, it is evident that neither the prosecution had alleged that the petitioner along with his son Shankar Sao have assaulted the informant knowing full-well that he was a Member of Scheduled Caste nor there happens to be an allegation that being Scheduled Caste the informant has been treated like so. That being so, it happens to be mere a scuffle in between two individuals which, as per Annexure-3, the injury having over person of informant suggest simple in nature.



That being so, it happens to be a fit case wherein appellant is directed to surrender before the learned lower Court with a prayer for bail which the learned lower Court will consider in light of direction having given hereinabove.

With the aforesaid direction/ observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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