

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3070 of 2017

Arising Out of PS.Case No. -307 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Dhurkheli Tanti, S/o Late Mangal Tanti,
 2. Ravishankar Rai @ Ravishankar Kumar @ Ravishankar Kumar Son of Kishor Rai,
 3. Upendra Bind, Son of Guru Jamadar, All R/o Village- Saraiya, P.S.- Bakhtiyarpur, District- Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gajanan Mishra

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2017 Learned counsel for the appellants is directed to carry out correction in the prayer portion of the memo of appeal during the course of the day.

Learned counsel for the appellants seeks permission to withdraw the appeal so far as appellant No. 2 viz. Ravishankar Rai @ Ravishankar Kumar @ Ravishan Kumar is concerned. The appeal with respect to appellant No. 2 stands dismissed as withdrawn.

The appellant Nos. 1 and 3 have challenged the order dated 27.07.2017, passed by the learned 2nd Additional District & Sessions Judge-cum-Special Judge, SC/ST, Act, Patna in connection with Bakhtiarapur P.S. Case No. 307 of 2015 dated



19.10.2015 instituted for the offences under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 3(1)(x) 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 when the wife of the informant had gone to attend to the call of nature, Ravishankar Rai @ Ravishankar Kumar (whose appeal has been withdrawn) abused her wife by taking her caste name and when the informant came to her rescue then appellant Nos. 1 and 3 exhorted Ravishankar Rai to further assault the informant. Thereafter, it is alleged that Ravishankar Rai tore of the clothes of the wife of the informant.

Learned counsel for the appellants has submitted that no offence under anyone of the provisions of the SC & ST (Prevention of Atrocities) Act can at all be said to have been made out against two appellants referred to above. The appellant Nos. 1 and 3 are themselves persons of Scheduled Caste community and they cannot be said to have committed any offence under the said Act. That apart, from the narration in the F.I.R itself, except for their exhorting one of the accused persons to assault the informant and his wife, nothing else has been alleged against them.

Considering the facts aforesaid, this Court deems



it appropriate to set aside the order dated 27.07.2017.

The appellant Nos. 1 and 3, above named are directed to be released on bail in the event of their surrender before the Court below within a period of four weeks from today, subject to 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 Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiarpur P.S. Case No. 307 of 2015.

(Ashutosh Kumar, J)

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