

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.3091 of 2017**

Arising Out of PS.Case No. -13 Year- 2017 Thana -SC/ST District- JEHANABAD

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Sudhir Sharma, Son of Damodar Sharma, Resident of Village-Kalaonda @  
Kalendra P.S. Parasi, District-Arwal

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Birendra Kumar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

3 30-11-2017

The appellant has challenged the order dated 08.09.2017 passed by learned Additional Sessions Judge-1<sup>st</sup>-cum-Special Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 13 of 2017, instituted for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989, whereby the prayer for bail in anticipation of arrest of the appellant has been rejected.

The appellant along with his father is alleged to have assaulted the informant with fists and slaps and they are also alleged to have abused the informant by taking his caste name.

Learned counsel for the appellant has drawn the attention to the F.I.R, wherein a vague allegation of abusing by calling caste name has been levelled. In fact, it has not been stated



as what kind of abuse was hurled by the appellant. Under similar circumstance, father of the appellant, another co-accused has been granted the privilege of anticipatory bail by a coordinate Bench of this Court.

From the F.I.R as well as the impugned order, it appears that no offence under SC/ST (Prevention of Atrocities) Act against the appellant can be made out. The primary dispute is with respect to obtaining of commodities under the P.D.S. scheme by the informant.

Taking in account the aforesaid facts, this Court deems it appropriate to set aside the order dated 08.09.2017.

The appellant, above named, is directed to be released on bail, in the event of his surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1<sup>st</sup>-cum-Special Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 13 of 2017.

**(Ashutosh Kumar, J)**

Shageer/-

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