

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1893 of 2018

Arising Out of PS. Case No.-1060 Year-2017 Thana- BIHTA District- Patna

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Rahul Kumar @ Gorakh, S/o Vijay Yadav, Resident of Village- Alhanpura,
P.S.- Bihita, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar @ Manu
For the Respondent/s : Mr.Smt. Abha Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 04-01-2019 Heard the parties.

The appellant is apprehending his arrest in connection with Bihta P.S.Case No.1060 of 2017 , registered for offences punishable under Section 3(i)(r) 3(1)(2)(v(A) of S.C./S.T. (Prevention of Atrocities) Act.

Allegation as per FIR is that the accused persons including the appellant were cutting the soil from the *Gairmajarua* land, which was protested by the informant and thereafter he was abused by the caste name and a firing was also made.

Submission of the learned counsel for the appellant is that the land in front of the place of the occurrence is purchased land of the appellant and even from the FIR it appears that there is no specific allegation against the appellant of taking caste name or



firing against anybody. As a matter of fact the informant was trying to grab the *Gairmajarua* land for which the scuffle took place and the present case has been lodged.

Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, above named, surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC & ST cum Additional Sessions Judge V, Patna in connection with Bihta P.S.Case no.1060 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed and the impugned order dated 12.3.2018 is set aside.

(Vinod Kumar Sinha, J)

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