

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.72 of 2020

Arising Out of PS. Case No.-17 Year-2019 Thana- SC/ST District- Rohtas

1. DHARMENDRA KUMAR @ DHARMENDRA KUMAR SINGH Son of Late Lalan Singh Resident of Village - Shahari, P.S.- Karakat (Gorari), Distt.- Rohtas.
2. Ankit Kumar Son of Late Lalan Singh Resident of Village - Shahari, P.S.- Karakat (Gorari), Distt.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Registered Case No. 39 of 2019 arising out of Dehri SC/ST P.S. Case No. 17 of 2019 registered for the offences under Sections 341, 323, 504, 506, 147, 148, 149 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Prosecution case in short is that the informant is a



Block teacher posted in upgraded middle school, Khelariya. Malti Kumari is the incharge Head mistress of the school, in question. It is alleged that the attendance of one Santosh Bhagar was shown to be absent and when he inquired about the same from the headmaster, he was abused by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 04-12-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in Registered Case No. 39 of 2019 arising out of Dehri SC/ST P.S. Case No. 17 of 2019 is set aside. The present Criminal Appeal is *allowed*.



Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Registered Case No. 39 of 2019 arising out of Dehri SC/ST P.S. Case No. 17 of 2019.

(Sudhir Singh, J)

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