

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1597 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Banka

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1. RUPESH KUMAR SINGH @ RUPESH SINGH Son of Jay Narayan Singh Resident of Village- Nima, P.S.- Rajoun, District- Banka.
 2. Sunil Kumar Singh @ Sunil Singh Son of Jay Narayan Singh Resident of Village- Nima, P.S.- Rajoun, District- Banka.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

The present memo of appeal has been filed for setting aside the order dated 12.07.2019 passed by learned Additional District and Sessions Judge Ist, Banka in connection with SC/ST P.S. Case No 23 of 2019, registered under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and section 3(1) (r) of SC/ST Act.

The informant alleged that on 13.06.2019, some dispute arose due to grazing the field by she-goat and when the informant opposed, these appellants



entered into the house of informant started assaulting the informant and his mother and also abused them by calling their caste name.

It is submitted that due to land dispute over grazing the field by she-goat some scuffle took place between the parties and as per the prosecution case informant was not allegedly abused in public view rather in the house, so no offence under SC/ST Act is made out. Appellants have got clean antecedent as stated in para 3 of the petition.

Considering aforesaid facts, this appeal is allowed. The impugned order dated 12.07.2019 passed by learned Additional District and Sessions Judge Ist, Banka is set aside.

Let the appellants above-named, be released on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Ist, Banka in connection with SC/ST P.S. Case No. 23 of 2019.

(Prabhat Kumar Singh, J)

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