

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1869 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- DAUDPUR District- Saran

- =====
1. Bitu Sah S/o Utam Sah,
 2. Rajan Kumar Prasad @ Rajan Prasad, S/o Raj Kumar Prasad,
 3. Deepak Sah @ Deepak Kumar, S/o Dhrub Sah,
 4. Dipu Kumar Sah, S/o Dhrub Sah,
 5. Bablu Sah, S/o Radha Sah,
- All are resident of Village-Inayatpur, P.S-Daudpur, District-Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellants : Mr. Prakash Mahto, Advocate
For the Respondent : Ms. Usha Kumari No.1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

11-12-2020

Heard learned counsel for the appellants and
learned Special Public Prosecutor appearing for the State via
video conferencing.

2. The instant appeal under Section 14A (2) of
the Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act has been preferred by the appellants against the
order dated 17.06.2020 passed by the learned Additional District
and Sessions Judge-1st-cum-Special Judge, SC/ST, Saran in
Anticipatory Bail Application No.876 of 2020 whereby the
prayer for grant of pre-arrest bail of the appellants in Daudpur
P.S. Case No.57 of 2020 registered under Sections 341, 323,



325, 379, 504, 506 read with 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') has been rejected.

3. Learned counsel appearing for the appellants submitted that the impugned order is bad in law as well as on facts. There is no truth behind the allegation made in the first information report that the accused Dipu Kumar Sah and Ravi Sah abused and assaulted the members of the prosecution party. He further contended that the alleged quarrel had taken place amongst the appellants and the members of the prosecution party while playing football. The further contention is that there is no allegation of abusing any member of the prosecution party against the appellants except appellant no.4 Dipu Kumar Sah.

4. Learned Special Public Prosecutor appearing for the State has opposed the appeal against the order impugned. She contended that there is allegation that the appellants abused and assaulted the members of the prosecution party while they were going to play football.

5. I have heard the parties and perused the materials on record.

6. Considering that the specific allegation of



abuse and assault is confined against appellant no.4 Dipu Kumar Sah and co-accused Ravi Sah, the impugned order passed by the court below so far as appellant no.4 Dipu Kumar Sah is concerned is upheld. His appeal is dismissed. In case, he surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

7. So far as appellant nos. 1, 2, 3 and 5 namely, Bitu Sah, Rajan Kumar Prasad @ Rajan Prasad, Deepak Sah @ Deepak Kumar and Bablu Sah respectively are concerned, since there is no allegation of intentional insult or intimidation with intention to humiliate any member of the scheduled castes and the scheduled tribes and there is no allegation of even destroying, damaging or defying any object generally known to be sacred or in high esteem by members of the scheduled castes or the scheduled tribes, their appeal is allowed. The impugned order passed by the court below in their case is set aside. They are directed to be released on bail in the event of their arrest or surrender on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Saran in connection with Daudpur P.S. Case No.57 of 2020.



8. The appeal stands allowed partially.

9. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2020
Transmission Date	14.12.2020

