

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5770 of 2019**

Arising Out of PS. Case No.-38 Year-2019 Thana- SC/ST District- Jehanabad

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1. AMPU SHARMA @ YOGESH SHARMA AND ANR Son of Indrajeet Sharma Resident of Village- Kandaul, P.S.- Hulasganj, Distt- Jehanabad.
  2. Indrajeet Sharma S/o Raj Nandan Singh Resident of Village- Kandaul, P.S.- Hulasganj, Distt- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Dr. Sanjay Kumar Singh  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA  
ORAL ORDER**

2      06-01-2020

By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities ) Act, appellants seek for setting aside the order dated 26.09.2019, passed in SC/ST P.S. Case No. 38/2019 for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, by the learned 1<sup>st</sup> Additional Sessions Judge, Jehanabad, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Prosecution case is that while the tractor of the informant was parked before the mechanic, appellants came and asked him to load cement in his tractor, for which, an altercation took place and appellants abused the informant by taking caste name.



It has been submitted on behalf of the appellants that as a matter of fact altercation took place due to parking of the tractor in front of shop of the appellants and taking advantage of the same, the informant came out with this false case and even from the F.I.R. it does not appear that there was any intention of the appellants to humiliate the informant that too in public view.

Learned Special P.P. opposed the prayer for bail.

Having heard both sides, considering the submission, as above, this appeal is allowed and impugned order is set aside. Let the appellants, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, Jehanabad, in connection with SC/ST P.S. Case No. 38/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Vinod Kumar Sinha, J)**

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