

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1139 of 2021

Arising Out of PS. Case No.-88 Year-2017 Thana- GOH District- Aurangabad

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1. NARAYAN SHARMA Son of Late Leela Sharma Resident of village - Mundwa, P.S. - Goh, District - Aurangabad (Bihar).
 2. Rakesh Sharma Son of Narayan Sharma Resident of village - Mundwa, P.S. - Goh, District - Aurangabad (Bihar).
 3. Pintu Sharma Son of Bhushan Sharma Resident of village - Mundwa, P.S. - Goh, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Leelawati Kumari- Advocate
For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Ms. Leelawati Kumari, the learned Advocate
for the appellants and Mr. Sadanand Paswan, the learned Special
Public Prosecutor for the State.

The appellants have challenged the order dated 10.12.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Goh P. S. Case No.88 of 2017, instituted for the offences under Sections 341, 323, 504, 354, 34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer



for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the members of the prosecution party were assaulted and abused because of a dispute over drawing of water from the hand-pump.

The learned Advocate for the appellants has submitted that one person is said to have received injury, but that is in the nature of abrasion on the right eyebrow.

Apart from this, it has been submitted that this case has been filed in retaliation of Goh P. S. Case No.89 of 2020 which has been lodged by one of the relatives of the appellants against the informant and others of this case. There is no specific accusation against any one of the appellants.

Be that as it may, it has been submitted that considering the frivolousness of the accusation and futility of continuing with the same, the parties have settled their differences and now the informant does not wish to prosecute the appellants any further.

It has been submitted that under the aforesaid background facts, no offence under any one of the sections of the SC/ST (P.O.A.) Act can at all be said to have been made out against the appellants and taking into account the



submissions, the order dated 10.12.2020 is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each 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), Aurangabad in connection with Goh P. S. Case No.88 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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