

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1140 of 2021

Arising Out of PS. Case No.-31 Year-2019 Thana- SC/ST District- Sheikhpura

-
-
1. RANJEET KUMAR @ PAPPU SAW @ PAPPU Son of Sita Ram Saw @ Sita Ram Sao Resident of Golden Chowk, Mahadev Nagar, P.S.- Sheikhpura, District - Sheikhpura
 2. Ram Kumar @ Rama Son of Late Sharan Saw @ Late Sharan Sao Resident of Budhauri Chowk, Girhinda, P.S.- Sheikhpura, District - Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar Chaudhary Son of Late Mundrika Chaudhary Resident of Chandni Chauk Ward No.- 08, P.S.- Sheikhpura, District - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Anis Akhtar
For the Respondent/s	:	Mr. Sadanand Paswan
For informant	:	Dr. Anjani Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-08-2021 Heard Mr. Anis Akhtar, learned counsel for the appellants and Dr. Anjani Prasad Singh, learned counsel for the informant. The State is represented by Mr. Sadanand Paswan, learned Special Public Prosecutor.

The appellants have challenged the order dated 19.12.2020 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura in A.B.P. No. 567/2020 arising out of Sheikhpura SC/ST P.S. Case No. 31/2019,



whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 436, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(iv)(va) of SC/ST (POA) Act has been rejected.

The accusation against the appellants is of having attempted to set the house of the informant on fire. The appellants were identified as the persons who were throwing incendiary articles at the house of the informant and were also heard abusing the informant by taking his caste name.

Learned counsel for the appellants has submitted that an absolutely false case has been instituted against them. Earlier also, the informant had attempted to implicate the appellants in a case of similar kind but the appellants were granted anticipatory bail. In the subject F.I.R, the police investigated the matter and finding no clue regarding the accusation levelled in the F.I.R., submitted final report false. However, differing with the police report, the learned Special Judge has taken



cognizance against the appellants as well. It has thus been submitted that because of past dispute, the subject F.I.R. has been lodged with exaggerated allegation of the appellants abusing the informant by taking his caste name for the purposes of demeaning him.

On the aforesaid grounds, it has been argued that no offence under SC/ST (Prevention of Atrocities), Act can at all be said to have been made out against the appellants.

For the reasons afore-stated, order dated 19.12.2020 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura, is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional District &



Sessions Judge, Sheikhpura, in connection with
Sheikhpura SC/ST P.S. Case No. 31/2019.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

