

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1146 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- SC/ST District- Saran

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BHUPENDRA SINGH, Son of Late Surendra Singh Resident of Mohalla-
New Colony, Kataharibagh, Road, P.S.- Chapra Town, District- Saran at
Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anup Kumar Pandey

For the Respondent/s : Mr.SPP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Anup Kumar Pandey, learned

Advocate for the appellant and Ms. Usha Kumar-1,

learned Special Public Prosecutor for the State.

The appellant has challenged the order, dated

28.11.2020, passed by the learned 1st Additional

Sessions Judge cum Special Judge SC/ST (POA) Act,

Saran at Chapra, in connection with ABP No. 1949 of

2020, arising out of SC/ST (Saran) P. S. Case No. 23

of 2020, dated 13.03.2020, whereby the prayer made

on behalf of the appellant for grant of anticipatory bail

for the offences punishable under Sections 341, 323,



504, 506 and 34 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of assault on the members of the prosecution party and of abusing them by taking their caste name.

The learned counsel for the appellant has submitted that because of a local dispute, this F.I.R. has been lodged. The appellant himself is the owner of a building and therefore the allegation of his assaulting the informant and abusing him is not worth-accepting.

Apart from this, it has been submitted that the parties have settled their differences and the informant does not wish to prosecute the appellant any further.

The allegations do not make out a case under any Section of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For the reasons afore-stated, the order dated



28.11.2020, passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra in connection with SC/ST (Saran) P. S. Case No. 23 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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