

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1147 of 2021

Arising Out of PS. Case No.-863 Year-2020 Thana- NAWADA District- Nawada

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1. RAMSWAROOP MISTRY, Son of Late Hinga Mistry Resident of Village- Ram Nagar, P.S.- Nawada Town, District- Nawda.
 2. Gopal Kumar, Son of Ram Swaroop Mistry Resident of Village- Ram Nagar, P.S.- Nawada Town, District- Nawda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar

For the Respondent/s : Mr.SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-08-2021 Heard Mr. Birendra Kumar, learned Advocate

for the appellants and Ms. Usha Kumari-I, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

17.12.2020, passed by the learned Additional District

and Sessions Judge 1st cum Special Judge SC / ST

(Prevention of Atrocities) Act, Nawada, in Special Case



No. 219 of 2020, arising out of Nawada Town P. S. Case No. 863 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 447, 341, 323, 325, 504, 379 and 34 of the Indian Penal Code and Section 3 (i) (r) 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 also of abusing them, leading to their being subjected to ridicule and indignity.

The learned counsel for the appellants has submitted that there is a counter version of the occurrence also. Both the cases have arisen out of civil dispute between the parties.

The injuries suffered by both the sides are reported to be simple in nature.

The accusation under the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989 has only been hurled to give a serious colour to the case. No offence under any one of the Sections of Indian Penal Code or of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

For the afore-stated reasons, the order dated 17.12.2020, passed by the learned Additional District and Sessions Judge 1st cum Special Judge SC / ST (Prevention of Atrocities) Act, Nawada, 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special



Judge SC / ST (Prevention of Atrocities) Act, Nawada,,
in connection with Nawada Town P. S. Case No. 863 of
2020, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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