

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.290 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- ATRI District- Gaya

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1. ASHOK RAVIDAS Son of Late Ganauri Ravidas Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 2. Sanjay Paswan Son of Dwarika Paswan Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 3. Pawan Kumar Son of Ashok Ravidas Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 4. Parshuram Kumar @ Parshuram Ravidas Son of Ashok Ravidas Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 5. Kaushal Paswan @ Kaushal Kumar Son of Sanjay Paswan Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 6. Pappu Kumar Son of Ashok Ravidas Resident of Village-Tetar, P.S.-Atri, District-Gaya.
 7. Munna Kumar @ Chunnu Son of Srendra Ravidas Resident of Village-Tetar, P.S.-Atri, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-02-2021 Heard the learned counsel appearing for the appellants and Mr. Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 04.09.2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in Anticipatory



Bail Petition No. 211 of 2019, arising out of Atri P.S. Case No. 154 of 2019 registered under Sections 307, 354(B) and other allied sections of the Indian Penal Code and Sections 3 (i) (r) (s) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been rejected.

The allegation is regarding the appellants herein, more particularly appellants no. 1, 6 and 7 having assaulted the informant and snatched golden ring from his hand.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that no offence is made out against the appellants under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, inasmuch as appellants also belong to the same caste as that of the informant. It is also submitted that in fact, there is no allegation of any sort of specific caste name having been taken by the appellants for abusing the informant, hence no case is made under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Lastly, it is submitted that injury, if any caused on the person of the informant, has



been found to be simple in nature and the present case arises out of case and counter case.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the injury, if any, sustained by the informant, is simple in nature, the appellants are having clean antecedent and moreover, the present cases arises out of case and counter case, apart from the fact that no offence is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Accordingly, I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri PS case No. 154 of 2019, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.



Consequently the impugned order dated 04.09.2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in Anticipatory Bail Petition No. 211 of 2019 arising out of Atri P.S. Case No. 154 of 2019 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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