

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1802 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- UCHKAGAON District- Gopalganj

Golu Singh @ Ravishekhar Singh S/O Dhurendra Singh @ Srikant Singh R/O
Village-Parsauni Khas, P.S.-UCHAKAGAON, District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harendra Prasad- Advocate
For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-07-2021 Heard Mr. Harendra Prasad Singh, the learned

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

learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
02.01.2021 passed by the learned A.D.J.-1-cum-Special
Judge, SC/ST Act, Gopalganj in connection with
Uchkagaon P.S. Case No.77 of 2020, instituted for the
offences under Sections 341, 323, 307, 379/ 34 of the
Indian Penal Code and Section 3(1)(r)/3(2) 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



informant was asked to work as a labourer at Rs.200/- per day. This was not acceptable to him and he demanded Rs.300/- per day. This enraged the accused persons including the appellant who came to the house of the informant after some time and assaulted him. So far as the appellant is concerned, it has been alleged that he assaulted the informant by means of a hockey stick.

The learned Advocate for the appellant has submitted that from the reading of the F.I.R. itself, it would appear that there was a dispute with respect to demand of higher wages for the work at a construction site. It further appears that the appellant and his associates were ready to pay Rs.200/- as labour charges, but there was a demand of Rs.300/-. This is a case of dispute between the employer and the labourer with respect to the wages, but unfortunately, as argued, a different colour to this case has been given.

The appellant, it has been urged, was not even present when the occurrence has taken place. There is some delay also in lodging the F.I.R.

The learned Advocate for the appellant



therefore submits that the dispute with respect to wages between the parties has been exaggerated and given a colour of a case involving breach of the SC/ST (P.O.A.) Act.

For the reasons aforesaid, it has been urged that no offence under the SC/ST (P.O.A.) Act can at all be said to have been made out against the appellant. So far as the offences under the I.P.C. are concerned, only simply injury has been caused to the informant in face of the allegation that three persons had assaulted him. Such accusation therefore appears to be exaggerated.

Regard being had to the afore-stated facts, the order dated 02.01.2021, referred to above, is set aside.

The appeal stands allowed.

The appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Gopalganj in connection with Uchkagaon P. S. Case No.77



of 2020, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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