

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1797 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- MANJHI District- Saran

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1. PRADHAN RAI, Son of Ram Datt Rai Resident of Village - Natwargopi, P.S.- Manjhi, Distt.- Saran.
 2. Ranjit Yadav @ Babloo, Son of Suresh Yadav Resident of Village - Natwargopi, P.S.- Manjhi, Distt.- Saran.
 3. Amarjit Yadav, Son of Suresh Yadav Resident of Village - Natwargopi, P.S.- Manjhi, Distt.- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar Tiwary
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021 Heard Mr. Mrityunjay Kumar Tiwary, learned Advocate for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 09.01.2021, passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran, in A.B.P. No. 3152 of 2020, arising out of Manjhi P. S. Case No. 154 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under



Sections 147, 149 341, 323, 504, 385 and 379 of the Indian Penal Code and Section 3 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that the appellants had prohibited the informant from carrying out his works and also demanded protection money from him. The informant was demeaned by taking his caste name.

The learned counsel for the appellants has submitted that in fact this case arose because of some dispute over running of a JCB Machine.

One of the appellants has also filed a case against the informant of the present case.

The accusation against the appellants has been orchestrated by the local Mukhiya, who has definite axe to grind against them.

The appellants do not have criminal antecedents.

It appears, it has been argued, that the



invocation of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only for the purposes of giving a serious colour to the case.

For the afore-stated reasons, the order dated 09.01.2021, passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran, 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 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran, in connection with Manjhi P. S. Case No. 154 of 2020, subject to the conditions as laid



down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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