

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1814 of 2021

Arising Out of PS. Case No.-377 Year-2020 Thana- MASAUDHI District- Patna

1. ABINASH KUMAR @ KARU Son of Upendra Sharma @ Upendra Singh Resident of Village - Gopalpur, P.S.- Masaurhi, District - Patna.
2. Kanha Sharma @ Kanhaiya Kumar Son of Upendra Sharma @ Upendra Singh Resident of Village - Gopalpur, P.S.- Masaurhi, District - Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudama Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021 Heard Mr. Sudama Singh, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 13.01.2021 passed by the learned A.D.J.-III-cum-Special Judge, SC/ST Act, Patna in A.B.P. No. 234 of 2021 arising out of Masaurhi P.S. Case No. 377 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 307, 448, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the



SC/ST Act has been rejected.

The accusation against the appellants is of having assaulted the informant and her family members. The occurrence arose because of dispute between the children of two families. The accusation against the appellants are vague and general.

There is a delay of 17 days in lodging the FIR. The occurrence is said to have taken place on 27.05.2020 but the FIR was lodged on 15.06.2020. The accusation against the appellants is only because of village enmity and wrong advise tendered to the informant.

There is no injury report on record as far as the learned counsel for the appellants have been instructed. No offence under anyone Sections of the SC/ST (Prevention of Atrocities) Act, it has been argued, can at all be said to have been made out.

For the facts aforestated, the order dated 13.01.2021 is set aside.



The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail 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 A.D.J.-III-cum-Special Judge, SC/ST Act, Patna in A.B.P. No. 234 of 2021 arising out of Masaurhi P.S. Case No. 377 of 2020.

(Ashutosh Kumar, J)

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