

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1806 of 2021

Arising Out of PS. Case No.-292 Year-2020 Thana- SHIVSAGAR District- Rohtas

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Balistar Lal, male, aged about 57 years, Son of Late Baldeo Lal, Resident of
Village - Kirihihi, P.S. - Shivsagar, Distt. - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-07-2021 Heard Mr. Sudama Singh, the learned

Advocate for the appellant and the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
07.01.2021 passed by the learned 1st Addl. District and
Sessions Judge-Cum-Special Judge, Rohtas at Sasaram
in connection with Registered Case No. 263 of 2020
arising out of Shivsagar P.S. Case No. 292 of 2020,



instituted for the offences under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

One Golu is said to have attempted to disrobe the informant. When her relatives arrived, they also were assaulted and demeaned by taking their caste name. The accusation against the appellant is of having assaulted the informant along with aforesaid Golu.

It has been submitted on behalf of the appellant that the F.I.R. has been lodged after the delay of two days with general and omnibus allegation of assaulting and abusing the informant and others. It has further been submitted that because the appellant happens to be the uncle of aforesaid Golu with whom the informant has some dispute, he has been made accused in this case. Apart from this, it has been submitted that the offences under S.C./S.T. (Prevention of Atrocities) Act do not appear to have been made out from the facts



of the case.

Regard being had to the aforesaid submissions, the order dated 07.01.2021, referred to above, is set-aside.

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 learned 1st Addl. District and Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with Registered Case No. 263 of 2020 arising out of Shivsagar P.S. Case No. 292 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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