

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1773 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- PALIGANJ District- Patna

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1. Abhishekh Kumar @ Abhishek Kumar, Son of Akhilesh Yadav @ Akhileshwar Kumar
 2. Pintu Kumar, Son of Adyodhada Yadav @ Ramayodhaya Yadav
 3. Amit Kumar, Son of Rajendra Prasad
- Resident of Village - Lalganj Sehara, P.S.- Paliganj, District – Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

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

Advocate for the appellants and the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
27.01.2021 passed by the learned Addl. Sessions Judge-
III-Cum-Special Judge, SC/ST Act, Patna in connection
with Paliganj P.S. Case No. 361 of 2020 (Special Case



No. 470 of 2020), instituted for the offences under Sections 341, 323, 504, 354 and 379/34 of the Indian Penal Code and Section 3(i)[(i){c}(r)(s)}] of the S.C./S.T. (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 when the informant came back from election work, the appellants abused her by taking her caste name and also physically assaulted her. She was also divested of her personal belongings.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged by the informant against the appellants. From the bare reading of the F.I.R. itself, it would appear that some kind of dispute cropped up during the election campaign. The present case is only a fall-out of the aforesaid case. The reason which has been stated in the F.I.R. is that because of the informant having been appointed as Aaganbari Sevika, she has been subject to such



ignominy.

It has further been submitted on behalf of the appellants that a complaint had been lodged regarding the malfunctioning of the Aaganbari Centre by the informant, which has led to this kind of accusation. The accusation involving the invocation of the provisions under the S.C./S.T. (Prevention of Atrocities) Act, therefore, is highly motivated.

Regard being had to the aforesaid submissions, the order dated 27.01.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III-Cum-Special Judge, SC/ST Act, Patna in connection with Paliganj P.S. Case No. 361 of 2020 (Special Case No. 470 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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