

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1760 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- BARACHATTI District- Gaya

-
1. RAJNANDAN DUBEY @ RAJAN DUBEY SON OF KISHORE DUBEY
R/O VILLAGE- SAHPUR, P.S.- MOHANPUR, DIST.- GAYA
 2. TUNTUN SINGH SON OF KAMTA SINGH R/O VILLAGE- TILAIYA,
P.S.- MOHANPUR, DIST.- GAYA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nawnit Kumar Tiwary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated
03.10.2020 passed by the learned Exclusive Special Judge,
SC/ST, Gaya in connection with Barachatti (Mohanpur) P.S.
Case No. 209 of 2020, whereby the prayer made on behalf
of the appellants for grant of anticipatory bail for the
offences under Sections 341, 323, 307, 427, 504, 506/34
of the Indian Penal Code and Section 3(2)(r)(s) of Schedule
Castes and Schedule Tribes (Prevention of Atrocities) Act,
has been rejected.



One Jagan Dubey is said to have assaulted the informant by means of hard and blunt substance. The dispute, it has been urged, is because of business related to sand in which the parties want to dig their heels. So far as the appellants are concerned, they are said to have damaged the motorcycle parked at the place of occurrence. They are also alleged to have cooperated other accused persons in scaring away the informant and have also tried to demean the dignity of the members of the prosecution party.

Learned counsel for the appellants has submitted that because of business dispute, the present case has been filed. The accusation involving the mischief of SC/ST (Prevention of Atrocities), Act is highly unjustified and the same has been alleged only for the purposes of giving serious colour to the case.

For the reasons afore-stated, the order dated 03.10.2020 passed by the learned Exclusive Special Judge, SC/ST, Gaya, is set aside.

The appeal is 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned learned Exclusive Special Judge, SC/ST, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 209 of 2020.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

