

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1756 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- SC/ST District- Rohtas

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BABLU KUMAR SINGH @ UJJAWAL KUMAR SINGH, SON OF RAM
PARVESH SINGH @ PARVESH SINGH R/O VILLAGE- TUMBA, P.S.-
ROHTAS, DIST.- ROHTAS

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar

For the Respondent/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-07-2021 Heard Mr. Arun Kumar Tiwary, learned

Advocate for the appellant and Ms. Usha Kumar-I,

learned Special Public Prosecutor for the State.

The appellant has challenged the order, dated

02.02.2021, passed by the 1st Additional Sessions Judge
cum Special Judge, Rohtas at Sasaram, in connection
with ABP No. 82 of 2020, arising out of Dehri P. S. Case



No. 41 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 341, 323, 307, 354 (B), 379, 504, 506 and 34 of the Indian Penal Code and Section 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that over the issue of irrigating field, an occurrence took place in which both sides fought against each other. Some of the persons have been injured in the occurrence.

The learned counsel for the appellant has submitted that the victim has received only simple injuries.

There is a counter version of the occurrence also.

It appears, it has been argued, that the informant of this case has taken revenge for the accusation levelled in a complaint case against him and



others.

The accusation with respect to the charges under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, do not appear to be correct and has been invoked only for preventing the appellant from taking advantage of the provision of anticipatory bail.

Regard being had to the afore-stated facts, the order dated 02.02.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge, Rohtas at Sasaram, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge cum Special Judge, Rohtas at
Sasaram in connection with Dehri P. S. Case No. 41 of
2020, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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