

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1838 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

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1. SATYAM PANDEY SON OF DHANAJAY PANDEY R/O VILLAGE- AILAY ,
P.S.- CHAND, DISTRICT- KAIMUR (BHABHUA)
 2. RAUSHAN SINGH SON OF VIJAI SINGH R/O VILLAGE- AILAY , P.S.-
CHAND, DISTRICT- KAIMUR (BHABHUA)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arabind Nath Pandey, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. Sunil Kumar, learned counsel for the

appellants and Mr. Binay Krishna, learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated

09.09.2020 passed by the learned Additional District and

Sessions Judge -1-cum-Special Judge, Kaimur at Bhabhua in

A.B.P. No. 593 of 2020 arising out of SC/ST P.S. Case No.

28 of 2020, whereby the prayer made on behalf of the

appellants for grant of anticipatory bail for the offences

under Sections 341, 323, 147, 148, 149, 337, 338, 307,



504 and 354 of the Indian Penal Code and under Section 3(1)r(s)(w), 3(2)(va) of SC/ST (POA) Act has been rejected.

It appears from the First Information Report that the appellants and others are stated to have assaulted the informant and his brother for having questioned them for an occurrence which took place in the daytime.

The police after investigation did not submit chargesheet under Section 307 of the Indian Penal Code but only under minor sections of the Indian Penal Code. The accusation invoking the mischief of the SC/ST (Prevention of Atrocities) Act, it has been argued, is only for the purposes of giving a serious look to the case.

The injuries suffered by the victims are all simple in nature.

Regard being had to the afore-stated facts, the order dated 09.09.2020 passed by the learned Additional District and Sessions Judge -1-cum-Special Judge, Kaimur at Bhabhua, is set aside.

The appeal stands 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 the learned Additional District and Sessions Judge -1-cum-Special Judge, Kaimur at Bhabhua, in connection with SC/ST P.S. Case No. 28 of 2020.

(Ashutosh Kumar, J)

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