

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2035 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- SC/ST District- Rohtas

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1. SRI RAM SAH @ SRI RAM KESHARI, Son of Late Shadhu Keshari Resident of Kochas, P.S. - Kochas, Dist. - Rohtas.
 2. Saroj Kumar Keshari, Son of Sri Ram Keshari Resident of Kochas, P.S. - Kochas, Dist. - Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Deepak Kumar, Son of Ram Dular Sharma Resident of Vill - Kochas, P.O. and P.S. - Kochas, Dist. - Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Pandey
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. Ashok Kumar Pandey, learned Advocate for the appellants and Ms. Usha Kumar-I, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 25.01.2021, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, Rohtas at Sasaram, in A.B.P. No. 11 of 2020, arising out of SC/ST Dehri P. S. Case No. 5 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under



Sections 147, 148, 149, 341, 323, 427, 384, 452, 504 and 506 of the Indian Penal Code and Section 3 (I) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

An occurrence took place on 07.01.2021 for which the F.I.R. was lodged on 15.01.2021. The appellants are said to have assaulted, abused and damaged the boundary wall of the informant.

The learned counsel for the appellants has submitted that though the F.I.R. was registered under various Sections of the Indian Penal Code but police submitted charge-sheet only under minor Sections.

Apart from this, it has been submitted that a civil dispute between the parties has been distorted and a colour of the criminal case has been given to such dispute.

The accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only for the purposes of making



the case look serious.

Nobody appears to have been injured in any serious manner in the occurrence and only because of civil dispute between the parties, the present case has been lodged.

Regard being had to the afore-stated facts, the order dated 25.01.2021, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, Rohtas at Sasaram, 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge cum Special Judge, Rohtas at Sasaram, in connection with SC/ST



Dehri P. S. Case No. 5 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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