

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1935 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- SC/ST District- Rohtas

1. Shobha Kumar @ Shobha Devi Daughter of Vinod Singh
2. Phool Kumari Devi Wife of Binod Singh
3. Harendra Singh @ Harendra Kumar Son of Binod Singh All Resident of Village - Khurd, Police Station - Bikramganj, District - Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr.Special PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 03-11-2021 Heard Sri Raghunandan Kumar Singh, learned counsel for the appellants, Sri Randhir Kumar, learned counsel for the informant and Sri Sadanand Paswan learned Special PP for the State.

The present criminal appeal is directed against the order dated 06.10.2020 passed in ABP Reg. no. 56/2020 by Ist Addl. Sessions Judge-cum- Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case no. 31 of 2020 dated 04.03.2020 registered under sections 341, 323, 307, 504, 427/34 of the Indian Penal Code read with sections 3(i)(r)(s) 2(Va) of SC/ST (POA) Act whereby anticipatory bail of the appellants has been rejected.



Learned counsel for the appellants at the outset submits that appellants are persons with clean antecedent. Further from bare perusal of the allegation in the FIR, it would manifest that the informant has alleged that her son Chandan Ram had gone to attend the marriage where his shoe was stolen by his co-villager Harendra Singh. Thereafter, informant had gone to the house of Harendra Singh and complained about the same to Binod Singh, father of Harendra Singh who misbehaved with him by using caste name and thereafter appellants started assaulting his son by lathi, danta, sambal. On hulla, informant, her daughter-in-law and daughter reached there to save her son but the appellants also assaulted them. Harendra Singh assaulted her son on head with sambal as a result of which he received injury on head, leading to fracture and he became unconscious and Harendra Singh abused by taking caste name.

Learned counsel for the appellants further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the alleged occurrence had taken place at door of the appellants as such offence under SC/ST Act is not attracted.

From perusal of the case diary, it appears that head injury of son of the informant is simple in nature inflicted by



hard and blunt substance.

Learned counsel for the informant vehemently opposes the present appeal and submits that the informant belongs to Scheduled caste and as such offence under SC/ST Act is made out as caste name of the informant was taken by the appellants. On query of the court, whether occurrence as alleged has taken place within public view, learned counsel for the informant fairly submits that occurrence has not taken place within public view.

Considering the facts that no offence under SC/ST Act is made out and the injury inflicted on the son of the informant is simple in nature as recorded in the impugned order, in the event of arrest/surrender within ten weeks from today, the appellants are directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I-cum- Special Judge, Rohtas at Sasaram in SC/ST Dehri P.S. Case no. 31 of 2020 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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