

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1999 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- SASARAM NAGAR District- Rohtas

1. DILIP GUPTA, Son of Shiv Sah Resident of Mohalla - Takiya Bazar, P.S.- Sasaram (T), District - Rohtas.
2. Pradip Gupta, Son of Shiv Sah Resident of Mohalla - Takiya Bazar, P.S.- Sasaram (T), District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shankar Kumar

For the Respondent/s : Mr.SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-08-2021 Heard Mr. Vikram Deo Singh, learned Advocate

for the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

16.01.2020, passed by the learned 1st Additional

Sessions Judge – cum – Special Judge, Rohtas at

Sasaram, in A.B.P. No. 18 of 2020, arising out of

Sasaram (Darigaon) P. S. Case No. 67 of 2020,

whereby the prayer made on behalf of the appellants for

grant of anticipatory bail for the offences punishable

under Sections 147, 149, 384, 341, 323, 325 and 506



of the Indian Penal Code and Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of the appellants having assaulted one of the associates of the informant and of abusing them because of their descent.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged. The date of occurrence is stated to be 24.01.2020 but the F.I.R. has been registered after four days, i.e., on 27.01.2020.

The appellant no. 1 is stated to be a partner of the informant in a brick-kiln. But because of some dispute with the informant, he had surrendered his partnership. However, a demand was put up by him with respect to the dues which he had incurred. The present case has been lodged only in retaliation to the aforesaid act of appellant no. 1 having demanded his dues.

It has further been submitted on behalf of the



appellants that several persons are alleged to have been injured in the occurrence but the injuries have been found to be absolutely superficial and having been caused by hard and blunt substance.

It may be believable that there was some dispute amongst persons of both groups but the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is highly unjustified as the informant does not hail from such community. This makes it very clear that the accusation under the aforesaid Section is only for the purposes of adding seriousness to the offence.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Regard being had to the afore-stated facts and taking into account that the appellants have clean antecedents, the order dated 16.01.2020, passed by the



learned 1st Additional 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 Sessions Judge – cum – Special Judge, Rohtas at Sasaram, in connection with Sasaram (Darigaon) P. S. Case No. 67 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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

