

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1989 of 2021**

Arising Out of PS. Case No.-822 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

RAM AWADH SINGH @ RAM AWADH SINGH YADAV Son of
Dudheshwar Singh Resident of Village- Amda, P.S.- Sonhan, District-
Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh- Advocate

For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 12-08-2021 Heard Mr. Pawan Kumar Singh, the learned

Advocate for the appellant and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated
08.02.2021 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, Kaimur at Bhabua in connection
with Bhabhua (Sonhan) P. S. Case No.822 of 2020,
instituted for the offences under Sections 341, 323, 354,
504, 506 of the Indian Penal Code and Section 3(i)(r)(s),
3(2)(va) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby their prayer
for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the dues of the



informant was not paid and when it was demanded, the informant and his wife both were abused and assaulted.

The learned Advocate for the appellant has submitted that there is a dispute with respect to the money due against a work contract.

According to the learned Advocate for the appellant, the entire money has been paid to the informant but the informant, taking advantage of his being a weaker party, has lodged this case. There is counter-version of the occurrence also vide Bhabua (Sonhan) P. S. Case No.828 of 2020 which has been lodged by the wife of the appellant.

It has been argued on behalf of the appellant that keeping in mind the afore-noted background facts, it would become very clear that the offence under the SC/ST (P.O.A.) Act cannot be said to have been made out against the appellants.

Regard being had to the aforesaid submissions, the order dated 08.02.2021, referred to above, is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his



furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Bhabhua (Sonhan) P. S. Case No.822 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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