

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2568 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- KARAKAT District- Rohtas

1. LAL BABU SINGH, S/o Late Sri Kishun Singh R/o village- Motha, P.S.- Karakat, District- Rohtas
2. Rajesh Singh @ Rajesh Kumar Singh, S/o Lal Babu Singh R/o village- Motha, P.S.- Karakat, District- Rohtas
3. Pramod Kumar Singh @ Pramod Singh S/o Lal Babu Singh R/o village- Motha, P.S.- Karakat, District- Rohtas
4. Vinod Singh S/o Lal Babu Singh R/o village- Motha, P.S.- Karakat, District- Rohtas
5. Manoj Singh S/o Lal Babu Singh R/o village- Motha, P.S.- Karakat, District- Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-07-2021 Heard Mr. Sudama Singh, learned Advocate for the appellants and Mr. Rajani Kant Pandey, learned counsel for the informant. The State is represented by Mr. Binay Krishna, learned Special Public Prosecutor.

The appellants have challenged the order dated 06.02.2021, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, Rohtas at Sasaram, in A.B.P. No. 26 of 2020, arising out of



Karakat P. S. Case No. 28 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 149, 341, 323, 307, 354 and 504 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellants are family members and have been made accused in this case on the allegation of the informant that while he was constructing his house over a plot of land, he was forbidden from doing so and was demeaned by taking his caste name.

The informant and others were assaulted also.

The learned counsel for the appellants has submitted that there is a dispute between the parties with respect to the land in question for which civil litigation is pending before a competent Court of Law.

Apart from this, it has been submitted that most of the injuries suffered by the informant and others



are simple in nature and caused by hard and blunt substance.

A Title Suit No. 34 of 2021, as noted above, is pending between the parties. Most of the witnesses of the locality have not stated about the nature of occurrence as has been reported in the F.I.R.

There is a counter version of the occurrence also.

As opposed to the afore-stated contentions, Mr. Pandey, learned counsel for the informant has submitted that though most of the injuries on the persons of the victims are stated to be simple but the nature of one of the injuries is still to be assessed.

However, regard being had to the factual background of the case and the circumstances in which the occurrence took place, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 does not appear to have been attracted.

For the afore-stated reasons, the order dated



06.02.2021, 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 Karakat P. S. Case No. 28 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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