

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1996 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Patna

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1. PINTU KUMAR Son of - Mahesh Sao Resident of - South Baily Road, Mahila Aayog, P.S.- Kotwali, District- Patna.
 2. Bikku Kumar Son of - Mahesh Sao Resident of - South Baily Road, Mahila Aayog, P.S.- Kotwali, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Kumar Dipak, Advocate

For the Respondent/s : Ms. Usha Kumari-1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2021 Heard Mr. Prabhat Kumar Dipak, learned

counsel for the appellants and Ms. Usha Kumari-1,

learned Spl. PP for the State.

The appellants have challenged the order dated

29.09.2020 passed by the learned Special Judge, SC/ST

(POA) Act, Patna in A.B.P. No. 4660 of 2020 arising out

of SC & ST Patna P.S. Case No. 22 of 2020 (Special

Case No. 183 of 2020), whereby the prayer made on

behalf of the appellants for grant of pre-arrest bail for

the offences under Sections 341, 323, 477, 504, 506

and 34 of the Indian Penal Code and Sections 3(i)(r)



(s)/3(2)(v)(a) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that the appellants abused and attempted to demean the members of the prosecution party and also assaulted the informant.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against them. The occurrence never took place in the manner in which it has been reported.

The accusation under the SC/ST (Prevention of Atrocities) Act is only for the purpose of giving a serious colour to the case. All the offences except for the charges under the SC/ST (Prevention of Atrocities) Act are bailable.

For the aforementioned reasons, the order dated 29.09.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court



below within a period of eight weeks, they shall be released on bail 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 Special Judge, SC/ST (POA) Act, Patna in A.B.P. No. 4660 of 2020 arising out of SC & ST Patna P.S. Case No. 22 of 2020 (Special Case No. 183 of 2020).

(Ashutosh Kumar, J)

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