

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2007 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- SARAI RANJAN District- Samastipur

1. MITHILESH DAS SON OF MOHAN DAS RESIDENT OF VILLAGE-
SURMAR MEYARI, P.S. SARAI RANJAN, DIST. SAMASTIPUR
2. RAJESH KUMAR DAS SON OF MOHAN DAS RESIDENT OF
VILLAGE- SURMAR MEYARI, P.S. SARAI RANJAN, DIST.
SAMASTIPUR
3. ASHOK DAS SON OF GANESHWAR DAS RESIDENT OF VILLAGE-
SURMAR MEYARI, P.S. SARAI RANJAN, DIST. SAMASTIPUR
4. SUDHIR DAS, SON OF DOMI DAS, RESIDENT OF VILLAGE
SURMAR MEYARI, P.S. SARAI RANJAN, DISTRICT – SAMASTIPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-09-2021 Heard Mr. Bijay Bhushan Prasad, learned counsel

for the appellants and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

The appeal with respect to appellant no. 4/Sudhir

Das has already been withdrawn because of the same having

become infrutuous.

The appellant nos. 1, 2 and 3 have challenged the

order dated 06.01.2021 passed by the learned Additional

Sessions Judge -I-cum-Special Judge, SC/ST Act,



Samastipur in A.B.P. No. 1878 of 2020 arising out of Sarairanjan P.S. Case No. 146/2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 307, 323, 324/34, 341, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) and 3(i)(s) of SC/ST (POA) Act has been rejected.

On refusal of the informant to compound a case which was lodged earlier, an occurrence took place in which the informant and others were assaulted by the appellants and others. Six persons are stated to have assaulted different persons.

The learned counsel for the appellants has stated that only two persons have received injuries and those injuries have been reported to be simple in nature. There is a counter version of the occurrence as well and there has been a delay of two days in lodging the F.I.R.

Considering this aspect of the matter, this Court had called for case diary and had granted provisional bail to the appellant nos. 1, 2 and 3.

The learned counsel for the appellants has



submitted that the informant and the appellants hail from the same schedule caste community and, therefore, the offence under SC/ST (Prevention of Atrocities), Act would not be made out from the facts of this case.

Regarding being had to the afore-stated arguments, coupled with the fact that there is a counter version of the occurrence and that there is a delay in lodging of the F.I.R. and two of the persons have received only simple injuries, the order dated 06.01.2021 passed by the learned Additional Sessions Judge -I-cum-Special Judge, SC/ST Act, Samastipur is set aside.

The provisional bail granted to the appellant no. 1/Mithilesh Das, the appellant no. 2/ Rajesh Kumar and the appellant no. 3/ Ashok Das vide order dated 13.08.2021, is hereby confirmed. They shall remain on the same bail bonds.

The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

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