

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2022 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- SC/ST District- Rohtas

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1. Sri Bhagawan Singh @ Sri Yadav, Son of Late Dukhan Singh @ Bindu Yadav
 2. Biru Kumar @ Biru Yadav, Son of Sri Yadav
 3. Dhiraj @ Dhirj Kumar, Son of Ramashish Yadav
 4. Niraj Kumar @ Niraj, Son of Ramashish Yadav
 5. Deepak Kumar @ Deepak Yadav, Son of Ramashish Yadav
 6. Munna Yadav, Son of Kailash Yadav
 7. Vikash Kumar @ Suraj, Son of Sunil Yadav
 8. Chhathu Yadav @ Chandan Kumar, Son of Ramayan Yadav

All are resident of Village/Mohalla - Idgah Mohalla, P.S. - Dehri, District - Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rameshwar Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Mr. Rameshwar Singh, the learned Advocate

for the appellants seeks permission to withdraw the

appeal with respect to appellant Nos. 1 and 2, namely,



Sri Bhagawan Singh @ Sri Yadav and Biru Kumar @ Biru Yadav as they have been arrested.

Permission is granted.

The appeal of appellant No. 1 and 2 is dismissed as having become infructuous.

Heard the counsel for the parties.

The appellant Nos. 3 to 8 have challenged the order dated 27.01.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with Registered Case No. 80 of 2020 arising out of SC/ST Dehri P.S. Case No. 39 of 2020, dated 10.04.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) 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 accused persons including the appellants assaulted the informant and others and injured five of the victims. According to



the F.I.R., the occurrence took place because some persons were not allowed to enter the lane because of their caste.

It has been submitted on behalf of appellant Nos. 3 to 8 that an absolutely false case has been lodged by the informant. In fact, there is a counter version of the occurrence. One Ramashish Yadav, one of the co-accused persons of this case had objected to the breach of the *COVID* protocol by the informant and his associates and for that, aforesaid Ramashish Yadav and others were brutally assaulted by the prosecution party. A case, therefore had to be lodged *vide* Dehri (T) P.S. Case No. 268 of 2020, dated 10.04.2020, for the offences under Sections 147, 148, 199, 341, 323, 307, 349 and 504 of the Indian Penal Code.

The learned counsel for the appellant Nos. 3 to 8 has submitted that nothing specific has been alleged against them. Though five persons have been injured in the occurrence but four out of them have received simple injuries, whereas one person has received grievous injury



in his abdomen, but it is not known as to who is the author of such injury.

One of the appellants himself, as has been argued, has received grievous injury in the transaction which has been reported in Dehri (T) P.S. Case No. 268 of 2020.

Thus, it has been submitted on behalf of the appellants that the accusation under the SC/ST (Prevention of Atrocities) Act cannot be said to have been made out and that the appellants have not specifically been alleged to have done anything.

Regard being had to the aforesaid submissions, the order dated 27.01.2021, referred to above, is set-aside.

The appellant Nos. 3 to 8, viz., Dhiraj @ Dhirj Kumar, Niraj Kumar @ Niraj, Deepak Kumar @ Deepak Yadav, Munna Yadav, Vikash Kumar @ Suraj and Chhathu Yadav @ Chandan Kumar, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on



bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with Registered Case No. 80 of 2020 arising out of SC/ST Dehri P.S. Case No. 39 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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