

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2420 of 2021

Arising Out of PS. Case No.-766 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. RAMASHISH BIND, Son of Lolu Bind R/O Village Sakhawa, P.S. - Sonhan (Bhabua), District - Kaimur at Bhabua.
2. Lallu Bind, S/O Lolu Bind R/O Village Sakhawa, P.S. - Sonhan (Bhabua), District - Kaimur at Bhabua.
3. Anil Bind, S/O Shiv Shankar Bind R/O Village Sakhawa, P.S. - Sonhan (Bhabua), District - Kaimur at Bhabua.
4. Govind Bind, S/O Lallu Bind R/O Village Sakhawa, P.S. - Sonhan (Bhabua), District - Kaimur at Bhabua.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan

For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-08-2021 Heard Mr. Tribhuan Narayan, learned Advocate

for the appellants and Ms. Usha Kumari-I, learned

Special Public Prosecutor for the State.

The learned counsel for the appellants seeks

permission to withdraw this application with respect to

appellant no. 1 who has died during the pendency of this

appeal.

The application with respect to appellant no. 1

is dismissed as having become infructuous.



The appellant nos. 2 to 4 have challenged the order dated 19.01.2021, passed by the learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabhua, in A.B.P. No. 766 of 2020, arising out of Bhabua (Sonhan) P. S. Case No. 766 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of assaulting the informant and others and also of abusing them.

The cause of occurrence as stated in the F.I.R. is with respect to a goat grazing the field of one of the parties.

The learned counsel for the appellants has submitted that this is a counter blast to a case lodged



against the informant and others with respect to the murder of the brother of the appellant no. 1.

The learned counsel for the appellants has further submitted that there is no injury report on record.

Thus, it has been urged that the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can not at all be said to have been made out.

For the afore-stated reasons, the order dated 19.01.2021, passed by the learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabhua, with respect to appellant nos. 2 to 4, is set aside.

The appeal stands allowed.

The appellant nos. 2 to 4, 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 Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabhua, in connection with Bhabua (Sonhan) P. S. Case No. 766 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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