

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2503 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- SC/ST District- Sheikhpura

1. PARMOD SAO, Son of Rajo Sao R/o- Village - Chathira, P.S.- Karendey, District - Sheikhpura.
2. Awadhesh Sao @ Awadhesh Kumar, Son of Late Mahender Sao R/o- Village - Chathira, P.S.- Karendey, District - Sheikhpura.
3. Abhay Saw, Son of Late Mahender Sao R/o- Village - Chathira, P.S.- Karendey, District - Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Bipin Kumar, learned Advocate for

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

Public Prosecutor for the State.

The appellants have challenged the order dated

08.02.2021, passed by the learned 1st Additional District

and Sessions Judge, Sheikhpura, in A.B.P. No. 573 of

2020, arising out of Sheikhpura P. S. Case No. 53 of

2020 (SC/ST Case No. 114 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, 504 and 34 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that while the informant was trying to pacify the dispute between children of two communities, that scuffle galvanized into a fight in which the accused persons are also said to have participated and assaulted the informant.

The learned counsel for the appellants has submitted that their efforts in settling the dispute between the children of two communities failed and as a reaction, the present case has been lodged.

The accusation against the appellants is absolutely false and concocted.

The informant has received simple injuries.

The appellants are persons of clean antecedents.

From the narration of events from the F.I.R., it



clearly appears that children of two communities had fought in which the appellants were trying to mediate. The dispute could not be mediated and the failure of such mediation efforts has led to lodging of the subject F.I.R.

The learned Advocate for the appellants further submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Regard being had to the afore-stated facts, the order dated 08.02.2021, passed by the learned 1st Additional District and Sessions Judge, Sheikhpura, 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, Sheikhpura, in connection with Sheikhpura P. S. Case No. 53 of 2020 (SC/ST Case No. 114 of 2020), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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