

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2543 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- CHIKSAUR District- Nalanda

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1. Tiju Jamadar, male, aged about 44 years.
 2. Chhotey Jamadar, male, aged about 30 years.
- Both are S/o Briksh Jamadar @ Ram Briksh Jamadar, R/o village- Balwapar,
P.S.- Chiksoura, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-07-2021 Heard Mr. Umesh Kumar Singh, the learned

Advocate for the appellants and the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated

04.01.2021 passed by the learned Additional Sessions

Judge-I-Cum-Special Judge, SC/ST Act, Bihar Sharif,

Nalanda in connection with Chiksoura P.S. Case No. 67



of 2020, instituted for the offences under Sections 341, 325, 504, 506, 354, 307 and 379 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having assaulted the informant and his father by means of farsa. They are also alleged to have abused the members of the prosecution party and of having displayed drunken behaviour.

The learned counsel for the appellants has submitted that the accusation is absolutely false as the injuries suffered by the victim are not in consonance with the ocular testimony of the informant. The injuries suffered by the victims are stated to be simple in nature. There is a counter version of the occurrence as well in which there is an accusation against the informant and others of the present case to have attempted to molest the wife of appellant No. 1. For that also, a case was filed vide Chiksoura P.S. Case No. 68 of 2020. It has



further been submitted that there appears to be dispute between two families of the village and both the families have chosen to implicate the members of other family in cases under the I.P.C. and S.C./S.T. (Prevention of Atrocities) Act.

The learned counsel for the appellants, therefore, has submitted that none of the offences under the I.P.C. or under the S.C./S.T. (Prevention of Atrocities) Act can at all be said to have been made out.

For the facts afore-stated, the order dated 04.01.2021, referred to above, is set-aside.

The appellants, above-named, 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 Additional Sessions Judge-I-Cum-Special Judge, SC/ST Act, Biharsharif, Nalanda in connection with Chiksoura P.S. Case No. 67 of 2020, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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