

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2537 of 2021

Arising Out of PS. Case No.-257 Year-2019 Thana- UJIYARPUR District- Samastipur

1. Chandan Kumar Singh @ Chandan Kumar Son Of Dinesh Prasad Singh @ Dinesh Singh Resident Of Village- Wajidpur, P.O. Satanpur, P.S.-Ujiyarpur, District- Samastipur.
2. Rohan Kumar Singh @ Rohan Kumar Son Of Ram Kumar Singh Resident Of Village- Wajidpur, P.O. Satanpur, P.S.-Ujiyarpur, District- Samastipur.
3. Amarjeet Kumar @ Amarjeet Kumar Singh Son Of Devendra Prasad Singh Resident Of Village- Wajidpur, P.O. Satanpur, P.S.-Ujiyarpur, District- Samastipur.
4. Suraj Kumar Singh @ Suraj Kumar Son Of Arjun Kumar Singh Resident Of Village- Wajidpur, P.O. Satanpur, P.S.-Ujiyarpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Hussamuddin Azad- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Md. Hussamuddin Azad, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 03.03.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Ujiyarpur P. S. Case No.257 of 2019, instituted for the offences under Sections 323, 34, 341, 354, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r) and 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989,



whereby their prayer for grant of anticipatory bail has been rejected.

From the F.I.R., it can be inferred that there was some dispute with respect to quantum of washing charges of the washer-man and because of the informant having reminded one of the accused persons of paying the back dues, the occurrence had taken.

The learned Advocate for the appellants has submitted that merely because they happen to be members of another community, they have been made accused in this case. It was a dispute between one of the customers of the informant but wrongly, this case has been given the colour of breach of the provisions of SC/ST (P.O.A.) Act.

Regard being had to the nature of accusation, it has been argued that no offence under the SC/ST (P.O.A.) Act can at all be said to have been made out. So far as the offences under the provisions of I.P.C. are concerned, they are of minor nature and the possibility of false implication of the appellants cannot be ruled out.

For the afore-noted reasons, the order dated 03.03.2020, referred to above, is set-aside.

The appeal stands allowed.



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 Special Judge, SC/ST Act, Samastipur in connection with Ujiyarpur P. S. Case No.257 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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