

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2546 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- SC/ST District- Samastipur

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1. Rishikesh Kumar @ Rishikesh Kumar Pandey
 2. Nishant Kumar @ Nishant Kumar Pandey
- Both are Sons Anil Kumar Pandey, R/o Village- Kesho Narayanpur, P.S.-
Tajpur (Halai O.P.), District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2021 Heard Mr. Dilip Kumar Roy, 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

24.03.2021 passed by the learned 1st Addl. Sessions

Judge-Cum-Special Judge, SC/ST Act, Samastipur in

connection with SC/ST P.S. Case No. 04 of 2021, dated



25.01.2021, instituted for the offences under Sections 447, 342, 323, 504 and 307/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It appears from the F.I.R. that the appellants have abused and assaulted the informant.

The learned counsel for the appellants has submitted that this case is a fallout of the steps taken by the appellants for recovery of the loan amount. A complaint was filed earlier by the appellants against the informant of this case for not returning the loan amount and this case is only in retaliation to the aforementioned case.

The charges under the S.C./S.T. (Prevention of Atrocities) Act, it has been urged, has deliberately been added in order to prevent the appellants from taking advantage of the beneficial provisions of the Cr.P.C.

Regard being had to the aforesaid submissions,



the order dated 24.03.2021, 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 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Samastipur in connection with SC/ST P.S. Case No. 04 of 2021, 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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