

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2557 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- BAJPATI District- Sitamarhi

1. DILIP THAKUR, S/O Late Rahanth Thakur @ Rohan Thakur Resident of Village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.
2. Amod Jha S/O Late Devkant Jha Resident of Village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.
3. Arun Jha S/O Late Bunde Jha Resident of Village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.
4. Manoj Thakur S/O Kapleshwar Thakur Resident of Village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Jha

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-08-2021 Heard Mr. Alok Kumar Jha, learned Advocate

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

Special Public Prosecutor for the State.

The appellants have challenged the order dated

17.03.2021, passed by the learned 1st Additional

Sessions Judge cum Special Judge, SC/ST (POA) Act,

Sitamarhi, in A.B.P. No. 482 of 2021 / 50 of 2021,

arising out of Bajpatii P. S. Case No. 116 of 2020,

whereby the prayer made on behalf of the appellants for



grant of anticipatory bail for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) and 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having assaulted the members of the prosecution party leading to simple injuries on some of the victims.

There is a counter version of the occurrence also.

However, looking at the vagueness of the accusation, the appellants were granted the privilege of police bail. The appellants have never misused such privilege.

In the aforesaid background facts, this appeal is disposed off with a direction that in case the appellants surrender before the court below and seek bail, the court below shall take into account the fact that they had been granted police bail which they have never misused and



that from the facts stated in the F.I.R., it can be argued that the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 may not be made out, and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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