

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2565 of 2021**

Arising Out of PS. Case No.-49 Year-2019 Thana- SC/ST District- Gopalganj

1. Babali Gupta Daughter Of Sheoji Sah Resident Of Village - Khesiya, P.S. Padrauna, District Kushinagar (uttar Pradesh), Presently Residing At Village Sher, P.S. Sidhwalia, District - Gopalganj.
2. Pappu Gupta @ Pappu Kumar Gupta Son Of Sheoji Sah Resident Of Village Sher, P.S. Sidhwalia, District - Gopalganj.
3. Raghav Gupta Son Of Kedar Gupta Resident Of Village - Khesiya, P.S. Padrauna, District Kushinagar (uttar Pradesh), Presently Residing At Village Sher, P.S. Sidhwalia, District - Gopalganj.

... .. Appellant/s

Versus

The state of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad- Advocate
For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 20-07-2021 Heard Mr. Naresh Prasad, the learned Advocate for the appellants and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 05.03.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Gopalganj SC/ST P. S. Case No.49 of 2019, instituted for the offences under Sections 341, 323, 324, 387, 384, 120(B), 379, 354, 465/ 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)(w), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

On the issue of construction of a safety tank of the toilet which the appellants believed, was constructed in the middle of a road, an objection was raised but such protest was given the colour of a fight between the parties.

There is a counter-version of the occurrence also. Between the parties, there are a spate of litigations about which reference has been made in the memo of appeal.

Thus, it has been urged that because of the dispute over construction of a safety tank, the occurrence had taken place. The accusation under the SC/ST (P.O.A.) Act is not warranted in the present set of facts.

Regard being had to the afore-stated facts namely, the counter-version of the occurrence and nobody having been injured in any serious manner in the entire transaction, the order dated 05.03.2021, 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 1st Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Gopalganj SC/ST P. S. Case No.49 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

