

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2542 of 2021

Arising Out of PS. Case No.-258 Year-2019 Thana- ATRI District- Gaya

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Bhagwan Sao @ Karu @ Karu Sao, Son of Mukhlal Saw, Resident of Village
- Narawat, P.S. - Atri, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

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

Advocate for the appellant and the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated

17.03.2021 passed by the learned Exclusive Special

Judge, SC/ST (POA) Act, Gaya in connection with Atri

P.S. Case No. 258 of 2019, instituted for the offences

under Sections 341, 323, 379, 354, 504 and 506/34 of

the Indian Penal Code and Section 3(i)(r)(s) of the

S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby

his prayer for grant of anticipatory bail has been



rejected.

The accusation in the F.I.R. is of abusing the brother-in-law of the informant and one Madhu Kumari and also divesting them of their personal belongings. One of the persons from the prosecution side was assaulted by means of butt of a pistol.

It has been submitted on behalf of the appellants that there is a counter version of the occurrence. In fact, there is a dispute between Mukhiya and Up-Mukhiya and the present case has been lodged by the Up-Mukhiya of the local panchayat. The appellant happens to be an associate of the informant of the counter case. The dispute appears to be between two public/panchayat functionaries and the persons who are supporters of either side have been made accused in the cross firing.

Regard being had to the nature of accusation, the learned counsel for the appellant has submitted that it becomes very clear that the offence under the S.C./S.T. (Prevention of Atrocities) Act is not made out



but has been inserted in the F.I.R. only to give serious colour to the case.

For the reasons afore-stated, the order dated 17.03.2021, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Atri P.S. Case No. 258 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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