

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2515 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- SC/ST District- Rohtas

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ASHOK DUBEY, S/O SIDHI DUBEY R/o village and Post- Kochas, P.S.-
Kochas, District- Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashutosh Tripathy
For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Ashutosh Tripathi, learned Advocate

for the appellant and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellant has challenged the order, dated
24.03.2021, passed by the 1st Additional District and
Sessions Judge cum Special Judge, Rohtas at Sasaram,
in connection with ABP No. 53 of 2020, arising out of
SC/ST Dehri P. S. Case No. 29 of 2020, whereby the



prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 147, 149, 341, 323, 504 and 506 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that with respect to an earlier case in which the associates of the appellant were made an accused under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Sub-divisional Police Officer, Sasaram had come to supervise. Shortly thereafter, the appellant and others are said to have threatened the informant for withdrawing the earlier case. They are also said to have assaulted the informant, leading to injuries on his person.

The learned counsel for the appellant has submitted that the earlier case also like the present one was lodged because of land dispute between the parties.



The injuries suffered by the victim are stated to be simple in nature.

The learned Advocate for the appellant further submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Regard being had to the background facts, namely, the enmity between the parties because of land dispute, the order, dated 24.03.2021, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, Rohtas at Sasaram, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional District and Sessions Judge cum Special
Judge, Rohtas at Sasaram in connection with SC/ST
Dehri P. S. Case No. 29 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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