

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2540 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- SC/ST District- Sitamarhi

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1. Surendra Panjiyar, male, aged about 45 years, Son of Chulhai Panjiyar
 2. Ganesh Panjiyar, male, aged about 41 years, Son of Chulhai Panjiyar
 3. Bindu Devi, female, aged about 43 years, Wife of Surendra Panjiyar
- All are resident of Village - Hari Bela, P.S. - Bathnaha, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 24-08-2021 Heard the counsel for the parties.

The appellants have challenged the order dated 23.03.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 54 of 2019, dated 10.07.2019, instituted for the offences under Sections 341, 323, 379,



354, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having assaulted and demeaned the members of the prosecution party.

It has been submitted on behalf of the appellants that because of the political rivalry, this case has been lodged. The F.I.R. has been lodged after a delay of two days without there being any explanation for the same. No such occurrence as reported in the F.I.R. has ever taken place and no independent person of the locality has supported the prosecution version. It has further been submitted that without verifying the records, order of cognizance has been passed and the petition for grant of anticipatory bail to the appellants has been rejected by the Court below.

The learned counsel for the appellants has submitted that the accusation under the S.C./S.T.



(Prevention of Atrocities) Act is only for the purposes of adding seriousness to the offence charged.

For the reasons afore-stated, the order dated 23.03.2021, 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, S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 54 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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