

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2494 of 2021

Arising Out of PS. Case No.-660 Year-2020 Thana- MASHRAK District- Saran

=====

Rajendra Rai @ Rajendra Prasad, S/o Late Mathura Ray, Resident of Village -
Sardarganj Bishunpura, P.S. - Mashrakh, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Harsh Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Harsh Singh, the learned Advocate

for the appellant and the learned Special Public

Prosecutor for the State.

The appellant has challenged the order dated
25.03.2021 passed by the learned 1st Addl. Sessions
Judge-Cum-Special Judge, SC/ST (POA) Act in
connection with Mashrakh P.S. Case No. 660 of 2020,
instituted for the offences under Section 435 of the



Indian Penal Code and Sections 3(1)(r)/2(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

It is alleged in the F.I.R. that because of an earlier case and counter case between the parties, the informant was subjected to ridicule and ignominy. When a protest was made, the house of the informant was set on fire and the hand-pump also poisoned.

It has been submitted on behalf of the appellant that no such occurrence ever took place. Admittedly, the case filed by the appellant is earlier in point of time. It has further been submitted that there was a special reason for filing this case. The appellant had been preparing for the marriage of his niece and in the process, the approach road was being repaired. This was objected by the informant as he had encroached upon a part of the public road. In the occurrence which took place prior to the institution of the subject F.I.R., the appellant has been hurt and has received injuries.



None of the offences under the provisions of S.C./S.T. (Prevention of Atrocities) Act, it has been argued, can at all be made out from the facts of this case.

For the facts afore-stated, the order dated 25.03.2021, 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 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act in connection with Mashrakh P.S. Case No. 660 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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

