

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2538 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- JANTA BAZAR District- Saran

1. NAG NARAYAN PRASAD Son of Late Indra Deo Prasad Resident of Village - Lahlad Pur, P.S.- Janta Bazar, District - Saran
2. Narendra Kumar Son of Sri Nag Narayan Prasad Resident of Village - Lahlad Pur, P.S.- Janta Bazar, District - Saran
3. Subham Kumar Son of Sri Nag Narayan Prasad Resident of Village - Lahlad Pur, P.S.- Janta Bazar, District - Saran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-07-2021

I.A. No. 1 of 2021

For the reasons stated in the application, the delay in preferring of this appeal is condoned.

The application stands allowed.

Mr. Manoj Kumar, learned Advocate for the appellants has submitted that in the first paragraph of Memo of Appeal, in place of A.B.P. No. 2555 of 2020, A.B.P. No. 2525 of 2020 has been typed inadvertently.

Let it be read as A.B.P. No. 2555 of 2020.

The appellants have challenged the order dated 05.12.2020 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 2555 of 2020 arising out



of Janta Bazar P.S. Case No. 174 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 174, 341, 323, 353, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

With respect to stacking of bricks on a disputed plot of land, an occurrence is said to have taken place where the appellants are said to have abused and assaulted the informant.

Learned counsel for the appellants has submitted that only because of that dispute, the present case has been lodged. A 144 Cr.P.C. proceeding is also pending between the parties. A complaint case also has been lodged by the appellants against the informant of the present case. Nobody appears to have been injured in the occurrence.

It has been submitted that the provisions of SC/ST (Prevention of Atrocities) Act have been invoked only to give a serious colour to this case.

On consideration of the aforementioned submissions, the order dated 05.12.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be



released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 2555 of 2020 arising out of Janta Bazar P.S. Case No. 174 of 2020.

(Ashutosh Kumar, J)

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