

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3887 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- SC/ST District- Samastipur

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1. RAKESH KUMAR SINGH @ RAKESH KUMAR Son of Ramesh Singh Resident of Village- Kerai Sarpati, P.S.- Bibhutipur, District- Samastipur.
 2. Ramesh Singh Son of Ramdev Singh Resident of Village- Kerai Sarpati, P.S.- Bibhutipur, District- Samastipur.
 3. Virendra Singh Son of Laxmi Singh Resident of Village- Kerai Sarpati, P.S.- Bibhutipur, District- Samastipur.
 4. Sulendra Singh @ Surendra Singh Son of Laxmi Singh Resident of Village- Kerai Sarpati, P.S.- Bibhutipur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Jitendra Narain Sinha, learned counsel for the appellants and Mr. Binay Krishna, learned Spl. PP for the State.

The appellants have challenged the order dated 18.03.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No. 662 of 2020 arising out of SC/ST P.S. Case No. 45 of 2019, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 323, 341,



379, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation in the FIR is that the appellants assaulted and abused the informant while he was levelling the land situated in the village.

The learned counsel for the appellants has submitted that a false case has been lodged against them by the informant who wants to grab the Gair-Mazarua land on the pretext of constructing a temple there. A title suit between the parties also is pending before a competent Civil Court.

The accusation under the SC/ST (Prevention of Atrocities) Act is highly unwarranted.

It has been pointed out that the FIR has been lodged after 20 days of the occurrence. Most of the allegations in the FIR appear to have been included in the list of charges for the reason of falsely implicating the appellants.



For the reasons aforesated, the order dated 18.03.2020 so far as the appellants are concerned, 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, Samastipur in A.B.P. No. 662 of 2020 arising out of SC/ST P.S. Case No. 45 of 2019.

(Ashutosh Kumar, J)

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