

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2806 of 2021**

Arising Out of PS. Case No.-73 Year-2017 Thana- SC/ST District- Rohtas

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1. VISHAL KUMAR SINGH @ KUMAR VISHAL SON OF KAMESHWAR SINGH Resident of Village- Akorha, Police Station- Dawath, District- Rohtas at Sasaram
 2. Rakesh Kumar Singh Son of Jay Ram Singh Resident of Village- Dhawath, P.S.- Dawath, District- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Singh
For the Respondent/s : Ms Abha Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 15.03.2021 passed by the learned Additional District and Sessions Judge -I-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri (Rohtas) P.S. Case No. 73 of 2017, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act has been rejected.



It has been alleged in the First Information Report that both the appellants assaulted and abused the informant by taking his caste name while he was carrying sand from the village through the field of the appellants.

Learned counsel for the appellants has submitted that an absolutely false case has been lodged against them. In fact, the appellant no. 1 had filed a complaint case against the informant and others vide complaint case no. 629 of 2017 in which cognizance has been taken. It has been urged on behalf of the appellants that because the appellants protested against the informant having trampled the potato crops in his field while coming from the river bank to the main road, this case has been lodged. The accusation under the SC/ST (POA) Act does not appear to have been made against the appellants

For the reasons aforesaid, the order dated 15.03.2021 passed by the learned Additional District and Sessions Judge -I-cum-Special Judge, Rohtas at Sasaram is set aside.

The appeal stands allowed.



The appellants, above named, are directed to be released on bail in the event of their 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 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge -I-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri (Rohtas) P.S. Case No. 73 of 2017.

(Ashutosh Kumar, J)

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