

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3103 of 2021**

Arising Out of PS. Case No.-308 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. SHASHINATH SINGH S/o Aliyar Singh Resident of Village- Bhoputpur, P.S.- Mohania, District- Kaimur at Bhabua.
2. Gopal Singh S/o Shashinath Singh Resident of Village- Bhoputpur, P.S.- Mohania, District- Kaimur at Bhabua.
3. Bittu Singh S/o Ramashankar Singh Resident of Village- Bhoputpur, P.S.- Mohania, District- Kaimur at Bhabua.
4. Yogendra Singh @ Munna Singh S/o Late Mathura Singh Resident of Village- Bhoputpur, P.S.- Mohania, District- Kaimur at Bhabua.
5. Uttam Singh S/o Yogendra Singh Resident of Village- Bhoputpur, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Tribhuwan Narayan  
For the Respondent/s : Ms. Usha Kumari No. 1

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
ORAL ORDER

2      26-08-2021                      Heard the learned counsel for the appellants and  
  
the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated  
  
08.06.2021 passed by the learned Additional District &  
  
Sessions Judge -I-cum-Special Judge, Kaimur at Bhabhua in  
  
A.B.P. No. 450/2021 arising out of Mohania P.S. Case No.  
  
308/2020, whereby the prayer made on behalf of the  
  
appellants for grant of anticipatory bail for the offences  
  
under Sections 341, 323, 504, 506, 354 and 379 of the



Indian Penal Code and Section 3(1)(r)(s)(w)(1) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is of appellants having assaulted the informant and others.

From the narration given in the F.I.R. itself, it appears that there is an accusation and counter accusation between the parties for selling liquor. The informant claims that the relatives of the appellants are selling liquor in the village whereas, the appellant no. 1, who is the Chairman of the local PACS has alleged that the father of the informant had been selling liquor. This accusation and counter accusation has led to a clash between the parties which has actually been given a colour of an attack against a particular community. Nobody appears to have been injured in the occurrence and the accusation of taking away of valuables from the possession of the informant by the appellants is also not correct. Thus it appears that the accusation under the SC/ST (Prevention of Atrocities), Act is highly motivated and unjustified.

For the reasons afore-stated, the order dated



08.06.2021 passed by the learned Additional District & Sessions Judge -I-cum-Special Judge, Kaimur at Bhabhua, 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) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge -I-cum-Special Judge, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 308/2020.

**(Ashutosh Kumar, J)**

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