

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2832 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- SC/ST District- Saran

1. RAMISHWAR RAI Son of Late Ramta Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran at Chapra.
2. Jai Prakash Rai Son of Ramishwar Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran at Chapra.
3. Tuntun Rai Son of Ramishwar Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran at Chapra.
4. Tarkeshwar Rai Son of Ramishwar Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran at Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellants and the learned
Spl. P.P. for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is filed against the order dated 06.04.2021 passed in ABP No. 3342 of 2020, whereby and whereunder the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act Saran at Chapra rejected the prayer of pre-arrest bail of the appellants in connection with Saran SC/ST P.S. Case No. 81 of 2020 registered under Sections 406 and 420 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to ulterior motive. It is further submitted that no case is made out under the provisions of the SC/ST Act as during the course of investigation no occurrence of making abuse and assault over the person of the informant has been found. It is further submitted that under Sections 406 and 420 of the Indian Penal Code is not attracted in this case.

Having considered the facts and circumstances of the case, the impugned order dated 06.04.2021 is set aside and this appeal is allowed.

Let the appellants, above named, be released on bail, in the event of his/their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond 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 connection with Saran SC/ST P.S. Case No. 81 of 2020.

(Sunil Kumar Panwar, J)

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