

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3196 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- SIKTI District- Araria

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1. Dhiraj Kumar Ray, aged about 32 years, male, Son of Yugesh Kumar Ray
 2. Santosh Ray @ Santosh Kumar Ray, aged about 38 years, male, Son of Hira Lal Ray
 3. Birendra Ray @ Birendra Kumar Ray, aged about 55 years, male, Son of Sadanand Ray

All are resident of Village - Amgachhi, Uphrail, Ward No. 08, P.S. - Sikti, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kundan Kumar Singh, Adv.

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-08-2021

Heard the counsel for the parties.

The appellants have challenged the order dated 08.02.2021 passed by the learned Special Judge-Cum-Addl. Sessions Judge, Araria in connection with Sikti P.S. Case No. 161 of 2020, instituted for the offences under Sections 341, 323, 354, 504, 506, 509 and 34 of the



Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v-a) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is of the appellants having assaulted the members of the prosecution party and demeaning them by taking their caste name. The dispute arose because of plucking of vegetables and fencing of their respective fields.

There is a counter version of the occurrence as well. The appellant No. 1 is said to have lodged a case against the informant of the present case and others *vide* Sikti P.S. Case No. 159 of 2020.

It appears that there is a dispute between the parties with respect to fencing and that dispute has been given a colour of a dispute of a kind which has been narrated in the F.I.R. There is a delay of ten days in lodging the F.I.R.

Regard being had to the facts afore-stated, it has been urged that the offence under the S.C./S.T.



(Prevention of Atrocities) Act is not made out as against the appellants.

For the reasons afore-stated, the order dated 08.02.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, Araria in connection with Sikti P.S. Case No. 161 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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