

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2961 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- SC/ST District- Rohtas

1. SUDARSHAN SINGH Son of Late Adhar Singh Resident of Village - Bhagirtha, P.S. Dinara, District - Rohtas.
2. NAGENDRA @ NAGENDRA SINGH @ BHANTA SINGH Son of Sudarshan Singh Resident of Village - Bhagirtha, P.S. Dinara, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shankar Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 17.02.2021 passed by the 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in Reg. Case No. 221/2020 (Anticipatory Bail Petition) arising out of in SC/ST Dehri P.S. Case No. 71/2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act has been rejected.



The accusation in the First Information Report is that the appellants held the informant by his collar and abused him. When this was protested, he was assaulted. Anyhow, with the intervention of the local people, the informant could be saved. He was required to be treated because of the injuries suffered by him.

Learned counsel for the appellants has submitted that the occurrence is said to have taken place on 23.08.2020 but the F.I.R. was lodged on 04.09.2020. The explanation offered by the informant is not acceptable. The delay is attributed to the informant waiting for some punitive action by the local Panchayat against the appellants. The accusation, it has been urged, does not appear to be correct and it appears that only in order to add seriousness to the narrative which does not otherwise attract an offence under the Indian Penal Code, the charges under SC/ST (Prevention of Atrocities), have been hurled. The informant has not received any grievous injury which is evident from the fact that no case under Section 307 of the Indian Penal Code has been registered.



Thus, it has been urged that the offence under the SC.ST (Prevention of Atrocities), Act cannot be said to have been made out against the appellants.

For the reasons afore-stated, the the order dated 17.02.2021 passed by the 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram.

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 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 71/2020.

(Ashutosh Kumar, J)

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