

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3214 of 2021**

Arising Out of PS. Case No.-168 Year-2020 Thana- KHAIRA District- Saran

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1. JITENDRA SAH, S/O RAMJEE SAH R/O VILLAGE-DUMARI, P.S-KHAIRA, DISTRICT-SARAN AT CHAPRA.
 2. RAJESH SAH @ RAJESH KUMAR SAH, S/O RAMJEE SAH R/O VILLAGE-DUMARI, P.S-KHAIRA, DISTRICT-SARAN AT CHAPRA.
 3. RAMJI SAH, S/O SITAB SAH R/O VILLAGE-DUMARI, P.S-KHAIRA, DISTRICT-SARAN AT CHAPRA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kumari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Vijay Kumar, learned Advocate for

the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
05.10.2020, passed by the learned 1st Additional
Sessions Judge cum Special Judge SC/ST Act (POA) Act,
Saran at Chapra, in A.B.P. No. 1639 of 2020, arising
out of Khaira P. S. Case No. 168 of 2020, whereby the
prayer made on behalf of the appellants for grant of
anticipatory bail for the offences punishable under



Sections 147, 148, 341, 323, 324, 379 and 504 of the Indian Penal Code and Section 3(II)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of the informant and others having been assaulted and abused by their caste names.

The learned counsel for the appellants has submitted that the allegation of assaulting by means of sword is on another accused person and not on the appellants. Under similar circumstances, two of the accused persons of this case have been granted anticipatory bail by a Bench of this Court *vide* order dated 12.04.2021, passed in Cr. Appeal No. 396 of 2021.

Regard being had to the afore-stated facts, it has been urged that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.



For the afore-stated reasons, the order dated 05.10.2020, passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act (POA) Act, Saran at Chapra, 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 their furnishing bail bonds in the sum 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 Act (POA) Act, Saran at Chapra, in connection with Khaira P. S. Case No. 168 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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