

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3221 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- JAMOBABAZAR District- Siwan

-
1. MALA DEVI, S/o BALI RAM MAHTO R/o VILLAGE-SULTANPUR KALA, P.S-JAMO, DISTRICT-SIWAN
 2. PRADEEP KUMAR, S/o BHAGWAT MAHTO R/o VILLAGE-SULTANPUR KALA, P.S-JAMO, DISTRICT-SIWAN.
 3. AMIT KUMAR, S/o SRI RAM MAHTO R/o VILLAGE-SULTANPUR KALA, P.S-JAMO, DISTRICT-SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shanker Tiwari
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Vijay Shanker Tiwari, learned

Advocate for the appellants and Ms. Usha Kumari-I,

learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

19.06.2021, passed by the learned Additional Sessions

Judge 1st Siwan, in A.B.P. No. 670 of 2021, arising out

of Jamo Bazar P. S. Case No. 211 of 2020, whereby

the prayer made on behalf of the appellants for grant of

anticipatory bail for the offences punishable under

Sections 341, 323, 324, 379, 354 and 504 of the



Indian Penal Code and Sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that when the informant protested against the rash manner of riding a bicycle by one of the accused persons, he was assaulted and abused. His family members including the ladies were also subjected to severe disgrace.

The learned counsel for the appellants has submitted that there is a counter version of the occurrence as well.

The accusation in the F.I.R. is absolutely false.

The counter case has been lodged by the father of the appellant *vide* Jamo Bazar P. S. Case No. 210 of 2020 against the informant and others of this case.

It has further been submitted that because of some dispute between the parties, a clash took place in which both sides have sustained injuries. Nobody from the side of the prosecution has been injured in any



serious manner.

Regard being had to the aforesaid facts, the learned Advocate for the appellants submits 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 19.06.2021, passed by the learned Additional Sessions Judge 1st Siwan, 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 Additional Sessions Judge 1st Siwan, in connection with Jamo Bazar P. S. Case No. 211 of 2020, subject to the



conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

