

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3216 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- GARKHA District- Saran

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1. RAMJI SINGH, Son of Late Sheo Dayal Singh Resident of Village- Shreerampur, P.S.- Garkha, District- Saran at Chapra.
 2. Ravi Kumar, Son of Daroga Rai Resident of Village- Shreerampur, P.S.- Garkha, District- Saran at Chapra.
 3. Daroga Rai, Son of Dina Rai Resident of Village- Shreerampur, P.S.- Garkha, District- Saran at Chapra.
 4. Shailesh Kumar Rai @ Shailesh Rai, Son of Rajesh Rai Resident of Village- Shreerampur, P.S.- Garkha, District- Saran at Chapra.
 5. Munna Kumar Rai @ Munna Kumar @ Jay Prakash @ Jay Prakash Prasad, Son of Tarkeshwar Rai Resident of Village- Shreerampur, P.S.- Garkha, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Dewendra Narayan Singh, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 04.05.2021, passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran at Chapra, in A.B.P. No. 997 of 2021, arising out of Garkha P. S. Case No. 419 of 2020, whereby the



prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The F.I.R. has been lodged by one Anil Kumar Ram alleging that while he was going to somebody's house for repairing hand-pipe, the appellants and others stopped him midway and abused him. He was also assaulted. An attempt was made to drown him in the river.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against the appellants. In fact, there is a dispute between two villages which is located by the two sides of a river. Because of some dispute between the two villages, the present case has been lodged against the appellants with absolutely frivolous allegations.



The falsity of the case further appears from the fact that no motive or reason has been assigned for the occurrence except for the fact that the informant is a member of the SC/ST community.

There is a delay of three days in lodging the F.I.R.

No injury report is available on record to substantiate the accusation in the F.I.R.

On the afore-mentioned 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 04.05.2021, passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (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 (POA) Act, Saran at Chapra, in connection with Garkha P. S. Case No. 419 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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