

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.343 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- BIKRAMGANJ District- Rohtas

1. CHANDAN KUMAR, Son of Rajendra Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
2. Jay Prakash @ Jay Prakash Singh Son of Kedar Yadav @ Kedar Singh Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
3. Anand Kumar Son of Rajendra Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
4. Digri Yadav @ Digri Singh Son of Pujan Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
5. Birendra Yadav @ Birendra Singh Son of Ujagir Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
6. Mithilesh Kumar @ Mithlesh Kumar Son of Shankar Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
7. Ritish Kumar @ Ritesh Kumar Son of Shankar Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.
8. Kanhaiya Yadav Son of Shiv Yadav Resident of Village- Jamorhi, P.S.- Bikramganj, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Rajani Kant Singh, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

This appeal is directed against the order

13.07.2020, passed by the learned 1st Additional District



and Sessions Judge, Rohtas at Sasaram, in A.B.P. No. 83 of 2020, arising out of Bikramganj P. S. Case No. 145 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, 504 and 34 of the Indian Penal Code and Section 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the informant and his nephew were assaulted and abused by the appellants.

The learned counsel for the appellants has submitted that there is a counter version of the occurrence and the informant has not received any injury. The nephew of the informant has received injuries, one of which has been reported to be grievous.

The learned counsel for the appellants has submitted that there is no specific accusation in the F.I.R. with respect to causing such grievous injury on



anyone of the appellants.

The appellants have been made accused in this case because of the counter case which was lodged by one of the associates of the appellants.

Regard being had to the nature of accusation and the background facts, it has been urged that the case does not attract the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For the afore-stated reasons, the appeal is allowed.

The order dated 13.07.2020, passed by the learned 1st Additional District and Sessions Judge, Rohtas at Sasaram, is set aside

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 District and Sessions Judge, Rohtas at Sasaram, in connection with Bikramganj P. S. Case No. 145 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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