

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3219 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- MANJHI District- Saran

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1. RANJEET GIRI, Son of Late Matuk Giri Resident of Village - Sonvarsha ke Mathia, P.S. - Manjhi, District - Saran.
 2. Abhishekh Giri, Son of Ranjeet Giri Resident of Village - Sonvarsha ke Mathia, P.S. - Manjhi, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Ravindra Kumar Singh, learned Advocate for the appellants and Ms. Usha Kumari-I, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 08.07.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in A.B.P. No. 1444 of 2021, arising



out of Manjhi P. S. Case No. 136 of 2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 324, 504 and 34 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.

According to the F.I.R., the appellants abused and assaulted the informant by means of hard and blunt substance.

So far the specific accusation of assault is concerned, it is on Dheeraj Giri and not on the appellants.

The appellants have been made accused in this case only because of some dispute with the informant in some other connection.

There is a five days' delay in lodging of F.I.R.

The absence of any motive for the occurrence also makes the F.I.R. rather suspect with respect to its



veracity.

There is no injury report on record which clearly indicates that there was no intention on the part of the appellants to have caused any hurt of serious nature to the informant or his associates.

The accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 thus is not made out.

For the afore-stated reasons, the order dated 08.07.2021, 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 Manjhi
P. S. Case No. 136 of 2021, subject to the conditions
as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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