

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3502 of 2021

Arising Out of PS. Case No.-211 Year-2021 Thana- PARSA District- Saran

1. ARUN RAI Son of Chandeshwar Rai Resident of Village - Fatehpur, P.S.- Parsa, District - Saran.
2. Jitendra Rai Son of Chandeshwar Rai Resident of Village - Fatehpur, P.S.- Parsa, District - Saran.
3. Pramod Rai Son of Anandi Rai Resident of Village - Fatehpur, P.S.- Parsa, District - Saran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 02-11-2021 Heard Mr. Surendra Kumar Mishra, learned Advocate for the appellants and Shrinath Manjhi, learned counsel for the informant. The State is represented by Mr. Sadanand Paswan, learned Special Public Prosecutor.

The appellants have challenged the order dated 27.07.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Saran, in A.B.P. No. 1724 of 2021, arising out of Parsa P. S. Case No. 211 of 2021, whereby the prayer made on behalf of the appellants for



grant of anticipatory bail for the offences punishable under Sections 341, 323, 354(A), 379, 448, 504, 506 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.

The accusation against the appellants is of having abused and assaulted the informant.

The appellants have a different story to narrate before this Court.

It has been submitted that the son of the informant had earlier put up an objectionable photograph of the daughter of appellant no. 1 on social platform and because of that a protest was made. The present F.I.R. is a sequel to such a protest. However, the learned counsel for the appellants has submitted that considering the falsity of the allegation and there being no justification for continuing with such prosecution, the informant has chosen not to prosecute the appellants any further.



It has further been submitted that the hurling the accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was only for the purposes of adding seriousness to the offence.

No notice is required to be sent to the informant as the counsel for the informant has already appeared. He ratifies the statement made by the counsel for the appellants that a compromise has been arrived at between the parties.

No useful purpose would be served in not interfering with the order impugned in the present appeal.

For the reasons afore-stated, the order dated 27.07.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Saran, 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 (Prevention of Atrocities) Act, Saran, in connection with Parsa P. S. Case No. 211 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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