

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3566 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- SC/ST District- Rohtas

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DHARMENDRA KUMAR Son of Sunil Singh Resident of village- Nanho,
P.S. Karakat (Gorai), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh, Adv

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-09-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
13.07.2021 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge, Rohtas at Sasaram in
SC/ST Dehri P.S. Case No. 07 of 2021, whereby the prayer
made on behalf of the appellant for grant of anticipatory bail
for the offences under Sections 341, 323, 354(B), 504, 506
and 34 of the Indian Penal Code and Section 3(1)(r)(s) of
SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation against the appellant and another is
of abusing and assaulting the informant because of her



demanding money for eggs which was consumed by the accused persons including the appellant.

The learned counsel for the appellant has submitted that the F.I.R. has been lodged after five days of the occurrence which makes the accusation absolutely suspect in the eyes of law. He further submits that the injuries suffered by the informant are simple in nature. The learned counsel for the appellant has further submitted that there is some dispute for payment of wages but the same has been given a colour of breach of SC/ST (Prevention of Atrocities), Act. So far as the appellant is concerned, there is no accusation against him except of hurling abuses. He further submits that no such act has been committed in public view.

On the afore-noted grounds, it has been urged that the offence under the SC/ST (Prevention of Atrocities), Act cannot be said to have been made out against the appellant.

For the reasons afore-stated, order dated 13.07.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram, is



set aside.

The appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 07 of 2021.

(Ashutosh Kumar, J)

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