

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.311 of 2021

Arising Out of PS. Case No.-67 Year-2017 Thana- SC/ST District- East Champaran

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1. Bittu Kumar Kushwaha, Son of Late Rajendra Kushwaha
 2. Rajendra Bhagat, Son of Sigashan Bhagat
 3. Harendra Bhagat, Son of Sigashan Bhagat
 4. Shankar Bhagat, Son of Sigashan Bhagat
 5. Dinanath Bhagat, Son of Raghunandan Bhagat
 6. Lalbabu Miya, Son of Umad Miya

All are Resident of Village - Bahuari, P.S. - Sugauli, District - East Champaran, Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2021 Heard the counsel for the parties.

The appellants have challenged the order dated 07.03.2020 passed by the learned 1st Addl. District Judge-Cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with SC/ST P.S. Case No. 67 of 2017, instituted



for the offences under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having assaulted the informant and others and of abusing them by taking their caste name.

It has been submitted on behalf of the appellants that the accusation against them was not found to be correct and they were not sent-up for trial. However, the learned Special Judge, differing with the police report, has taken cognizance against the appellants.

It has further been submitted on behalf of the appellants that the F.I.R. has been lodged after nine days of the occurrence. It has, therefore, been submitted that the dispute lies somewhere else and deliberately the appellants have been charged for the offences under the S.C./S.T. (Prevention of Atrocities) Act only to prevent them from taking advantage of anticipatory bail.



Regard being had to the aforesaid submissions, the order dated 07.03.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District Judge-Cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with SC/ST P.S. Case No. 67 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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