

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3596 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- SC/ST District- Rohtas

1. SHATRUDHAN SINGH Son of Late Vidhya Singh Resident of Village - Shivpur, Police station - Bikramganj, District - Rohtas at Sasaram.
2. Rajmani Singh @ Barbari Singh Son of Late Vidhya Singh Resident of Village - Shivpur, Police station - Bikramganj, District - Rohtas at Sasaram.
3. Bidur Singh Son of Late Vidhya Singh Resident of Village - Shivpur, Police station - Bikramganj, District - Rohtas at Sasaram.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The appellants have challenged the order dated 29-07-2021 passed by learned Ist Additional Sessions Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 127 of 2020 registered for the offences under Sections-341, 323, 504, 506, 34 of the Indian Penal Code and Section-3(i)(r)(s) of SC & ST (Prevention of Atrocities) Act whereby the prayer made on



behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that while the informant went to his land, he saw that one Shatrudhan Singh was constructing the wall over his land. On protest, the informant was threatened and asked to flee away. He was also abused by taking his caste name. Thereafter, the accused persons are alleged to have assaulted him by means of lathi and danda.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. As per the allegation, scuffle is said to have taken place between the parties. From perusal of order of Sessions court, it appears that there is no injury report in support of allegation of assault. There is admitted land dispute between the parties. The occurrence is said to have taken place on 22-11-2020 and the case was instituted on 16-12-2020. The delay in instituting the FIR has not been explained by the prosecution. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.



On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 29-07-2021 passed by learned Ist Additional Sessions Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 127 of 2020 by which the anticipatory bail of the appellants was rejected.

Accordingly, the order dated 29-07-2021 passed by learned Ist Additional Sessions Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 127 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Rohtas at Sasaram in SC/ST Dehri P.S. Case No. 127 of 2020.

(Sudhir Singh, J)

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