

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3577 of 2021

Arising Out of PS. Case No.-306 Year-2019 Thana- RIGA District- Sitamarhi

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1. RANJAN KAPAR Son of Shyam Dayal Kapar Resident of Village - Rampur Gangauli, P.S.- Riga, District - Sitamarhi
 2. Amarnath Kapar @ Bhola Kapar Son of Shankar Kapar Resident of Village - Rampur Gangauli, P.S.- Riga, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

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

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

04.06.2021 passed by the Additional Sessions Judge -I-
cum-Special Judge, SC/ST, Sitamarhi in A.B.P. No. 757 of
2021/ 74 of 2021 arising out of Riga P.S. Case No. 306 of
2019, whereby the prayer made on behalf of the appellants
for grant of anticipatory bail for the offences under Sections
341, 324, 504/34 of the Indian Penal Code and Section
3(1)(s)(v) of the SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is of



the accused persons including the appellants abusing and assaulting the informant.

The learned counsel for the appellants has submitted that the act of giving a knife blow is attributed to co -accused Ramlochan Kapar and not on the appellants. In fact, a dispute had arisen between the parties while playing football and because of that the appellants have wrongly been made accused in this case with the accusation under the SC/ST (Prevention of Atrocities), Act. It has been submitted that the occurrence took place on 02.11.2019 but the F.I.R. has been lodged on 07.11.2019.

On the basis of the afore-noted facts, it has been urged that the offence under the SC/ST (Prevention of Atrocities), Act does not get attracted so far as the appellants are concerned.

For the reasons afore-stated, the order dated 04.06.2021 passed by the learned Additional Sessions Judge -I-cum-Special Judge, SC/ST, Sitamarhi, so far as the appellants are concerned, is set aside.

The appeal is 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 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 learned Additional Sessions Judge -I-cum-Special Judge, SC/ST, Sitamarhi in connection with Riga P.S. Case No. 306 of 2019.

(Ashutosh Kumar, J)

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