

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.306 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- GOPALPUR District- Bhagalpur

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Pritam Kumar @ Priya Kumar @ Priyatam Kumar Yadav, Son Of Akhilesh Yadav @ Akhilesh Kumar Yadav Resident Of Village-Madrauni, P.S.-Rangra, District-Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha- Advocate

For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 28-06-2021 Heard Mr. Ranjan Kumar Jha, the learned Advocate

for the appellant and Mr. Sadanand Paswan, the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated 04.09.2020 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge (S.C./S.T. Act), Bhagalpur in connection with Gopalpur (Rangra) P. S. Case No.147 of 2020, instituted for the offences under Sections 341, 323, 324, 504, 506/ 34 of the Indian Penal Code, Section 27 of the Arms Act 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.



It has been urged on behalf of the appellant that an occurrence took place out of a very petty dispute over the cattle of one of the parties straying into the field of other. There is a counter-version of the occurrence also.

The learned Advocate for the appellant has therefore submitted that for a dispute which took place between the parties and for which both of them are to be blamed, the informant has chosen to invoke the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act only to prevent the appellant and others from taking advantage of the provisions of the anticipatory bail.

For the reasons afore-stated, the order dated 04.09.2020, referred to above, is set aside.

The appeal stands allowed.

The appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-III-cum-Special Judge (S.C./S.T. Act), Bhagalpur in connection with Gopalpur (Rangra) P. S. Case No.147 of 2020, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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