

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.352 of 2021**

Arising Out of PS. Case No.-228 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

1. HARISHANKAR SINGH @ SHIVSHANKAR SINGH @ KATTAR SINGH, Son of Late Jagdish Singh Resident of Village-Bheriya, P.S.-Durgawati, District-Kaimur at Bhabua.
2. Mahendra Singh @ Sachita Singh, Son of Harishankar Singh @ Shivshankar Singh @ Kattar Singh Resident of Village-Bheriya, P.S.-Durgawati, District-Kaimur at Bhabua.
3. Balistar Singh Son of Harishankar Singh @ Shivshankar Singh @ Kattar Singh Resident of Village-Bheriya, P.S.-Durgawati, District-Kaimur at Bhabua.
4. Ministar Singh @ Putul Singh Son of Harishankar Singh @ Shivshankar Singh @ Kattar Singh Resident of Village-Bheriya, P.S.-Durgawati, District-Kaimur at Bhabua.
5. Raju Singh Son of Vakil Singh Resident of Village-Bheriya, P.S.-Durgawati, District-Kaimur at Bhabua.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajani Kant Pandey
For the Respondent/s	:	Ms. Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Mr. Rajani Kant Pandey, learned counsel for the appellants seeks permission to withdraw this appeal with respect to appellant nos. 1 to 4.

The appeal with respect to appellant nos. 1 to 4 is dismissed as withdrawn.

The appellant no. 5 has challenged the order



dated 28.09.2020, passed by the Additional Sessions Judge - 1st, Kaimur at Bhabhua cum Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua, in connection with ABP No. 754 of 2020, arising out of Durgawati P. S. Case No. 228 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that the appellants have assaulted the informant and others and have caused injuries to them. They were also subjected to ridicule because of their taking birth in a particular caste.

The learned counsel for the appellant no. 5 has submitted that there is a general and omnibus allegation against all the accused persons. Nothing specific has been attributed against the appellant no. 5 who is a



student and does not stay in the village. On the date of the occurrence, he was not even present in the village.

In the counter case also, the family members and the associates of the appellants have been injured. The informant has not received any injury of the kind which he has narrated in the F.I.R.

The other victims are only said to have received simple injuries.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can, therefore, be said to have been made out.

Regard being had to the fact that the appellant no. 5 is a person of young age and is prosecuting studies and that there is no specific accusation against him, the order dated 28.09.2020, passed by the Additional Sessions Judge – 1st, Kaimur at Bhabhua cum Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua, so far as



the appellant no. 5, is set aside.

The appeal is partially allowed with respect to appellant no. 5.

The appellant no. 5, 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – 1st, Kaimur at Bhabhua cum Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua, in connection with Durgawati P. S. Case No. 228 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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