

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.363 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- TARAIIYA District- Saran

- =====
1. Neeraj Kumar Singh Son of Mithilesh Singh
  2. Ritesh Singh Son of Suresh Singh
  3. Indrajeet Singh Son of Ravindra Singh
  4. Bacha Singh Son of Darbesh Singh
  5. Munna Singh Son of Bigan Singh
- All are resident of Village- Bhataura, P.S.- Taraiya, District- Saran (Chapra).

... .. Appellants

Versus

The State of Bihar

... .. Respondent

=====

**Appearance :**

For the Appellants : Mr. Umesh Kumar Singh, Advocate  
For the Respondent : Ms Usha Kumari, Special PP.

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 26-05-2021**

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State via video conferencing.

2. The instant appeal under Section 14-A(2) of the Scheduled Castes and the Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short ‘the Act’) has been preferred by the appellants challenging the order dated 15.09.2020 passed in A.B.P. No.1722 of 2020 by the learned Additional District & Sessions Judge 1st-cum-Special Judge, Saran (Chapra) whereby he has rejected their application for grant of pre-arrest bail in



connection with Taraiya P.S. Case No.287 of 2020 registered *inter alia* under Section 307 of the Indian Penal Code and Section 3(1)(r)(v) of the Act.

3. The first information report was registered on the basis of *fardbeyan* of one Prabhu Ram, son of late Ramnarayan Ram, resident of village-Bhataura, Police Station-Tareya, District- Saran (Chapra). He has stated in his *fardbeyan* that on 10.08.2020, at about 12.30 pm, the appellants along with 6-7 unknown persons suddenly came at his door and started abusing him by taking his caste name as *chamar-dushadh*. They also assaulted him by iron rod and *danda* as a result of which he sustained dislocation of tooth. He has further alleged that when Manoj Kumar Ram came in rescue, he was assaulted by the appellant Neeraj Kumar Singh with sword as a result of which he sustained injuries over his head. He also assaulted a female inmate, namely, Ramawati Devi. He and others were taken to PHC Marhowrah for treatment from where he himself and Manoj Kumar Ram were referred to Sadar Hospital Chapra for better treatment.

4. It was at Sadar Hospital Chapra where the *fardbeyan* of the informant was recorded by Deo Kumar Sah, an Assistant Sub-Inspector of Police of Bhagwan Bazar Police



Station on 10.08.2020 at 7.30 pm.

5. Learned counsel appearing for the appellants submitted that the appellants are innocent and have been falsely implicated in the present case. He contended that names of the appellants have been given in the FIR on account of previous dispute and enmity between the parties. He further contended that from the FIR it would be apparent that the occurrence did not happen in public view. Hence, the offences under the Act are not made out. He also contended that the father of the petitioner no. 2, namely, Suresh Singh has filed a counter case against the informant and her family members vide Tarraiya P.S. Case No.286 dated 11.08.2020 registered *inter alia* under Section 307 of the Indian Penal Code.

6. On the other hand, learned Special Public Prosecutor appearing for the State submitted that the allegations made in the FIR do constitute an offence punishable under the Act. She also contended that from perusal of the FIR itself it would transpire that the incident was seen by many persons.

7. Having heard the parties and perused the materials on record, since the ingredients of the offences punishable under Section 3(1)(r) and (v) of the Act are clearly attracted, in my view, the court below has rightly rejected the



application filed by the appellants for grant of pre-arrest bail as Section 18 of the Act clearly stipulates that nothing in Section 438 of the Code of Criminal Procedure shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under the Act.

8. In that view of the matter, I see no merit in this appeal.

9. It is dismissed, accordingly.

10. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present judgment:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me electronically by the Joint Registrar-cum-Addl. PPS.
- (ii) The corrected copy of the order shall be transmitted by me to the Joint Registrar-cum-Addl. PPS electronically, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.



- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Joint Registrar-cum-Addl. PPS/registry for up-loading of the present order without compromising with the norms of social distancing.

**(Ashwani Kumar Singh, J)**

kanchan/-

|                          |            |
|--------------------------|------------|
| <b>AFR/NAFR</b>          | NA         |
| <b>CAV DATE</b>          | NA         |
| <b>Uploading Date</b>    | 30.05.2021 |
| <b>Transmission Date</b> | 30.05.2021 |

