

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.303 of 2021

Arising Out of PS. Case No.-150 Year-2018 Thana- PANCHRUKHI District- Siwan

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1. DEELIP SINGH, S/o Indrajit Singh R/o village- Nijamapur, P.S.- Pachrukhi, Distt.- Siwan
 2. RAJU SINGH @ RAJU KUMAR, S/o Anirudh Singh R/o village- Sahlaur, P.S.- Pachrukhi, Distt.- Siwan

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Mr. Ajay Kumar Pandey, learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant no. 2 as he has been arrested.

The appeal with respect to appellant no. 2 is dismissed as withdrawn.

The appellant no. 1 has challenged the order dated 06.10.2020, passed by the learned Additional Sessions Judge 1st Cum Special Judge, Siwan, in connection with Pachrukhi (Sarai) P. S. Case No. 150 of 2018, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences



punishable under Sections 147, 148, 149, 323, 341, 342, 333, 353 and 307 of the Indian Penal Code and Sections 3 (i)(r)(s) and 3 (2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been submitted on behalf of the appellant no. 1 that no specific act of assault or being abusive is attributed to the appellant no. 1.

In fact, enraged by an accident, the crowd which had assembled at that place started protesting against the inaction of the police. One of the police personnel with his name plate indicating his community was abused by taking his caste name and was also assaulted. There is no indication in the entire records to suggest that it was aimed at demeaning such police officer.

The role of the appellant no. 1 also appears to be doubtful as he has been made accused along with many other accused persons.



Considering the aforesaid aspects of the matter, some of the other accused persons have been allowed anticipatory bail.

The learned Advocate for the appellant no.1, 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 general nature of accusation against the appellant no. 1 and there being nothing on record to indicate that there was any intention on the part of the appellant no. 1 to have demeaned a particular police officer on account of his caste, the appeal is allowed.

The order dated 06.10.2020, passed by the learned Additional Sessions Judge 1st Cum Special Judge, Siwan, is set aside.

The appellant no. 1, 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 Cum Special Judge, Siwan in connection with Pachrukhi (Sarai) P. S. Case No. 150 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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