

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.281 of 2021

Arising Out of PS. Case No.-6 Year-2018 Thana- SC/ST District- Jehanabad

- =====
1. MUNNA KUMAR Son of Janardan Prasad Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.
 2. Chotu Kumar Son of Late Bhimsen Ram Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.
 3. Birendra Prasad Son of Late Bhimsen Ram Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.
 4. Narendra Prasad Son of Late Bhimsen Ram Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.
 5. Sanoj Kumar Son of Anuj Prasad Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.
 6. Dharmendra Prasad Son of Late Bhimsen Ram Resident of Village - Dakshini, P.S.- Kako, Distt.- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Ram Hriday Prasad

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Ram Hriday Prasad, learned counsel

for the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.



This appeal is directed against the order dated 07.07.2020 passed by the learned Additional Sessions Judge -I, Jehanabad in Anticipatory Bail Petition No. 534 of 2020 arising out of Jehanabad SC/ST P.S. Case No. 06/2018, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 147, 148, 149, 341, 323, 325, 504, 506, 509 and 34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act has been rejected.

The brother of the informant was abused and fired at. Several persons of the village have been made accused in this case.

It has been urged on behalf of the appellants that no specific allegation has been attributed against the appellants and the police after investigation did not send these appellants for Trial but charge-sheeted only three of the accused persons who are not the appellants. However, differing with the police report, learned Special Judge took cognizance against the appellants as well. It has also been submitted that there is a reason for falsely implicating the



appellants. The appellants had earlier filed a case against the informant and other members of his family. It has been urged that the provisions of SC/ST (POA) Act, has only been added to give a serious colour to this case.

Learned counsel for the appellants, therefore, submits that no offence under anyone of the provisions of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

After having heard the learned counsel for appellants, this court is inclined to set aside the order impugned in the present case.

The order dated 07.07.2020 passed by the learned Additional Sessions Judge -I, Jehanabad is set aside.

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) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -I,



Jehanabad, in connection with Jehanabad SC/ST P.S. Case
No. 06/2018.

The appeal stands allowed.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

