

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3855 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- DINARA District- Rohtas

Siddu Kumar, aged about 30 years, male, S/o Vidyasagar Yadav, Resident of Village- Belwaiya, P.S.- Dinara (Bhanasi), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-10-2021

Heard Mr. Mithilesh Kumar Singh, 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 21.08.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with Dinara (Bhanas) P.S. Case No. 17 of 2021, instituted for the offences under Sections 325,



323, 341, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that while the informant was returning home with merchandise, he was accosted by the accused persons including the appellant and was assaulted as a result of which his teeth was broken.

It has been submitted on behalf of the appellant that the accusation is absolutely false. There was some dispute between the parties because of the fight between the children of the two families. Somehow or the other, the elders entered into such fray and lodged cases against each other. A complaint has also been lodged against the informant by the father of the appellant. The injury received by the informant has been opined to be simple in nature.

It has further been submitted that the accusation, even taken on its face value, would not bring



home the mischief of the S.C./S.T. (Prevention of Atrocities) Act in view of the background fact of dispute between the children.

For the reasons afore-stated, the order dated 21.08.2021, referred to above, is set-aside.

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 learned 1st Addl. Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with Dinara (Bhanas) P.S. Case No. 17 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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