

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3886 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Kaimur (Bhabua)

SANDEEP DUBEY @ SANDEEP KUMAR DUBEY S/o DEVENDRA
DUBEY @ TRIBHUWAN DUBEY R/o VILLAGE-DUBAULI, P.S-BELON,
DISTRICT-KAIMUR (BHABHUA).

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arabind Nath Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 08-10-2021 Heard Mr. Arabind Nath Pandey, learned
counsel for the appellant and Ms. Usha Kumari, learned
Spl. PP for the State.

The appellant has challenged the order dated 13.08.2021 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in A.B.P. No. 661 of 2021 arising out of SC/ST Bhabhua P.S. Case No. 14 of 2021, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 341, 323, 354(B), 504 and 34 of the Indian Penal Code, and Section 27 of the Arms Act and Sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation against the appellant is of having assaulted, abused and demeaned the informant



for her buffalo having strayed into his field.

The learned counsel for the appellant has submitted that an absolutely false case has been lodged against him. The subject FIR has been lodged in retaliation to the earlier case lodged by the father of the appellant against the husband of the informant of the subject FIR. The accusation under the SC/ST (Prevention of Atrocities) Act appears to be totally unwarranted.

There is some dispute with respect to grazing of the land or of sowing of crops but in order to add serious colour to this case, six days later than the case lodged by the father of the appellant, the subject FIR has been lodged.

It has been urged on behalf of the appellant that for the reasons aforestated the offence under the SC/ST (Prevention of Atrocities) Act cannot be said to have been made out.

For the reasons aforestated, the order dated 13.08.2021 so far as the appellant is concerned, is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail 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 District and Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in A.B.P. No. 661 of 2021 arising out of SC/ST Bhabhua P.S. Case No. 14 of 2021.

(Ashutosh Kumar, J)

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