

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.800 of 2021**

Arising Out of PS. Case No.-50 Year-2020 Thana- SIKARHATTA District- Bhojpur

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DHIRENDRA SINGH, Son of Late Bhola Singh Resident of Village -
Sendha, P.S.- Tarari, Dist.- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Ajay Kumar Singh, learned Advocate

for the appellant and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated
14.10.2020, passed by the Additional Judge 1st cum
Special Judge, SC/ST, Bhojpur at Ara, in connection with
ABP No. 1658 of 2020 (SC/ST Case No. 94 of 2020),
arising out of Sikrahata P. S. Case No. 50 of 2020,
whereby the prayer made on behalf of the appellant for
grant of anticipatory bail for the offences punishable
under Sections 147, 148, 149, 323, 326 and 307 of the
Indian Penal Code; Section 3 (1) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Section 27 of the Arms Act, 1959, has been rejected.

It has been alleged in the F.I.R. that the children of the two communities fought amongst themselves while playing cricket. The elders in the family also unfortunately entered the fray. The matter was settled on the field but later, co-accused Abhimanyu Singh along with his associates including the appellant, came to the house of the informant. The members of the prosecution party were abused and co-accused Abhimanyu Singh is said to have fired a weapon which hit one of the persons of the prosecution party in his eye.

The learned counsel for the appellant has submitted that he has been made accused in this case only because he happens to be an agnate of aforesaid Abhimanyu Singh. There is no accusation against him of having abused or assaulted or to have done anything



which could attract the provisions of the Indian Penal Code or of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

He has further submitted that even from the narration made in the F.I.R., no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Regard being had to the afore-stated facts, the order dated 14.10.2020, passed by the Additional Judge 1st cum Special Judge, SC/ST, Bhojpur at Ara, is set aside.

The appeal stands allowed.

The appellant, 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 Judge 1st cum Special Judge, SC/ST, Bhojpur at Ara in connection with Sikrahata P. S. Case No. 50 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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