

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.495 of 2021

Arising Out of PS. Case No.-391 Year-2020 Thana- SIKARPUR District- West Champaran

1. Tabarak Dewan, aged about 18 years, Male.
2. Mobark Dewan, aged about 20 years, Male,
Both are son of Bhola Dewan.
3. Saheb Dewan, aged about 32 years, Male.
4. Bhola Dewan, aged about 42 years, Male.
5. Islam Dewan, aged about 38 years, Male.
Appellant nos. 3 to 5 are sons of Amin Dewan @ Amin Dewan Dewan.
6. Amin Dewan @ Amin Dewan Dewan, aged about 59 years, Male, son of Late Nasir.
All are the resident of Pipra, Ward No. 3, P.S.- Shikarpur, District- West Champaran.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-10-2021 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC/ST Act”) has been filed challenging the order dated 12.10.2020 passed by learned Additional District and Sessions Judge, 1st -cum- Special Judge (SC/ST), Bettiah, West Champaran, in A.B.P. No.1309 of 2020, in connection with Shikarpur P.S. Case No. 391 of 2020, registered for the offence punishable under Sections 341, 323 and 307/34 of the Indian Penal Code and under Section 3(i)(r) of the SC/ST Act, whereby



he has rejected the appellant's prayer for anticipatory bail.

It is submitted by learned counsel for the appellants that from reading of the F.I.R., it is clear that no offence under Section 3 of the SC/ST Act is made out against these appellants.

In these circumstances, this appeal is allowed. Accordingly, the impugned order dated 12.10.2020 passed by learned Additional District & Sessions Judge, 1st - cum-Special Judge (SC/ST), Bettiah, West Champaran, in A.B.P. No.1309 of 2020, in connection with Shikarpur P.S. Case No. 391 of 2020, is set aside.

Let the appellants, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, 1st -cum-Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 391 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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