

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.322 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- SISWAN District- Siwan

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Pramod Bharti @ Pramod Kumar, Son of Baijnath Bharti @ Bednath Bharti,
Resident of Village- Bhadaur, P.S.- Siswan (Chainpur O.P.), Distt.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-06-2021 Heard Mr. Ashok Kumar, the learned Advocate for

the appellant and Ms. Usha Kumari-1, the learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
24.11.2020 passed by the learned 1st Addl. Sessions Judge-
Cum-Special Judge, Siwan in connection with Siswan
(Chainpur O.P.) P.S. Case No. 195 of 2020, instituted for
the offences under Sections 341, 323, 354, 504 and 506 of



the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

According to the F.I.R., one Yogendra Ram and his wife snatched away fish, which she had taken out from the tank, and threw it in the field. Later, it is alleged that the appellant came from his house and abused the informant by taking her caste name and also assaulted her.

The learned counsel for the appellant has submitted that there has been some dispute on account of taking out of the fish from the tank and throwing it back again. He has further submitted that though, there is allegation of abusing the informant by taking her caste name but that does not appear to be for the purposes of demeaning the informant. Such utterances were only in a flash of temper and from the attendant circumstances reflected in the F.I.R., it also appears that no member of the public was present at the time of the occurrence. The accusations, it has been submitted, are very trivial and the



charges under the S.C./S.T. (Prevention of Atrocities) Act do not get attracted.

Regard being had to the aforesaid submissions, the order dated 24.11.2020, referred to above, is set-aside.

The appeal stands allowed.

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, Siwan, in connection with Siwan (Chainpur O.P.) P.S. Case No. 195 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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