

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.752 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- SASARAM NAGAR District- Rohtas

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1. Shivam Singh, S/o Radheshyam Singh
 2. Jay Prakash Singh, S/o Daya Shankar Singh
 3. Jay Prakash Singh, S/o Hareram Singh
 4. Vishal Kumar Singh, S/o Ramanuj Singh @ Bhajuram Singh
 5. Shambhu Singh, S/o Triveni Singh

All are Resident of Village- Sikaria, P.S. - Darigaon (Sasaram), District - Rohtas, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Samrendra, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-07-2021 Heard Mr. Rakesh Kumar Samrendra, the

learned Advocate for the appellants and Mr. Binay Krishna,

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

31.08.2020 passed by the learned 1st Addl. District and

Sessions Judge, Sasaram, Rohtas in connection with



Darigaon (Sasaram) P.S. Case No. 304 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s), (Za) and A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that when a ten year old boy went inside a temple premises for drinking water from a public tap, the appellants asked him for his identity. After coming to know that he is a person of low caste, he was abused and assaulted. That boy, thereafter left the temple premises but was seen by some of the members of his community, who asked him the reason for his being assaulted. When those persons came to the temple premises to question the accused persons, an attack was ordered and many persons have received injuries in that occurrence.

Hence the prosecution case.

The learned counsel for the appellants has



submitted that the facts have been distorted in order to give it a colour of atrocity committed on the members of the scheduled caste community. In fact, one of the accused persons of this case has also lodged a case in which it has been alleged that two days prior to the occurrence, there was a dispute between the children of two communities over a game of cricket and the present occurrence is only a fallout of the same. In fact, the prosecution party were the aggressors and only to ward off the attack from their side, the appellants and others took a position of defense. Some of the persons may have been injured in the occurrence but those injuries, it has been urged, are all simple in nature, depicting that there was no intention of any one of the accused persons including the appellants to cause any such injury to any one of the victims.

It has further been argued that the first part of the yarn spun in the F.I.R. is nothing but a clever use of imagination for the purposes of framing the appellants. All the appellants are in the age group of 20 to 25 years



and are being persons of modern day and they are not at all concerned with the system of caste or anything of that kind.

The learned counsel for the appellants, therefore, has submitted that the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been misused in this case with impunity.

Regard being had to the circumstances leading to the occurrence which has been reported in the subject F.I.R. and the submissions advanced on behalf of the appellants, the order dated 31.08.2020, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge, Sasaram, Rohtas in



connection with Darigaon (Sasaram) P.S. Case No. 304 of
2020, 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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