

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.798 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- SURYAPUR District- Rohtas

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1. GUPTESHWAR SINGH @ LALLU SINGH, Son of Ram Janam Singh Resident of Village - Imirita, P.S.- Surajpura, District - Rohtas at Sasaram.
 2. Bhism Prasad Singh @ Bhism Narayan Singh @ Doctor, Son of Ram Janam Singh Resident of Village - Imirita, P.S.- Surajpura, District - Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Raghunandan Kumar Singh, learned Advocate for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 24.11.2020, passed by the learned Additional District and Sessions Judge - 1st cum – Special Judge, SC/ST Act, 1989, Rohtas at Sasaram, in A.B.P. No. 180 of 2020, arising out of Suryapura P. S. Case No. 105 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences



punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that the appellants entered the house of the informant, abused and insulted him. There is an allegation of assault as well.

The learned counsel for the appellants has submitted that the appellant no. 1 and the informant are co-workers in Electricity Power Sub-Station Office. Because of some dispute at their work place, the present case has been lodged.

The appellant no. 2 is the brother of appellant no. 1 and is a doctor. In order to wreak vengeance on appellant no. 1, the informant has chosen to implicate appellant no. 2 as well.

There is no injury report on record.

Considering the futility of the pending litigation, the parties have settled their differences.



The learned Advocate for the appellants, therefore, submits that 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 24.11.2020, passed by the learned Additional District and Sessions Judge - 1st cum – Special Judge, SC/ST Act, 1989, Rohtas at Sasaram, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge - 1st cum – Special Judge, SC/ST Act, 1989, Rohtas at Sasaram, in



connection with Suryapura P. S. Case No. 105 of 2020,
subject to the conditions as laid down under Section 438
(2) Cr.P.C.

(Ashutosh Kumar, J)

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