

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.783 of 2021

Arising Out of PS. Case No.-345 Year-2019 Thana- SUGAULI District- East Champaran

1. Arman S/O Late Md. Madar Resident Of Village Sugauli, Line Ward No. 18, P.S-Sugauli, District-East Champaran.
2. Jamil S/O Aliash Miya Resident Of Village Sugauli, Line Ward No. 18, P.S-Sugauli, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma- Advocate

For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Umesh Chandra Verma, 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 05.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with Sugauli P. S. Case No.345 of 2019, instituted for the offences under Sections 341, 323, 189, 332, 353, 427, 504, 506/ 34 of the Indian Penal Code and Section 3(i)(r)(s) 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 the appellants and several others entered the electricity sub-station office and threatened, abused and assaulted the operators. The victims were abused by taking their caste names.

The learned Advocate for the appellants has submitted that only because the appellants and others had objected to the erratic functioning of the electricity supply division, that this case has been lodged. Assuming but not admitting the fact that there was some altercation between the residents of a locality and the operators of the electric supply system, that by itself would not justify the assertion that the appellants and others had tried to demean any one of the victims on the basis of their descent.

The learned Advocate for the appellants therefore has submitted that there is nothing in the case record to indicate that the offence under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act can at all be said to be made out against the appellants.

For the afore-stated facts, the order dated 05.11.2020, referred to above, is set aside.

The appeal stands allowed.

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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with Sugauli P. S. Case No.345 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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