

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.900 of 2021**

Arising Out of PS. Case No.-295 Year-2020 Thana- SASARAM NAGAR District- Rohtas

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DHAN JEE KUMAR @ DHANAN JAY KUMAR S/o RAM CHANDRA
MAHTO @ RAM CHANDRA SINGH Resident of Village- Pratapganj, P.S.-
Sasaram (Town), Distt- Rohtas at Sasaram

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad
For the Respondent/s : Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated
23.11.2020 passed by learned 1st Additional District and
Sessions Judge, Rohtas at Sasaram in Registered Case No.
127/2020 arising out of Sasaram Nagar P.S. Case No. 295/2020
registered for the offences under sections 147, 148, 149, 341,
323, 308, 354, 379, 504, 506 of the Indian Penal Code and 3(i)
(r) SC/ST (Prevention of Atrocities) Act whereby the prayer
made on behalf of the appellant for grant of anticipatory bail has



been rejected.

Prosecution allegation, in short, is that the accused persons, variously armed, came at the door of the informant and abused her by taking caste name. The accused persons also misbehaved with the family members of the informant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. The matter has subsequently been compromised between the parties. The said compromise is Annexure-3 to the present appeal. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 23.11.2020 passed by learned 1st Additional District and Sessions Judge, Rohtas at Sasaram in Registered Case No. 127/2020 arising out of Sasaram Nagar P.S. Case No.



295/2020, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of 1st Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram Nagar P.S. Case No. 295/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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