

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5808 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- BASANTPUR District- Siwan

1. SAIYAD SALIM AHMAD Son of Late Maksud Ahmad Resident of Village - Shahnewazpur, P.S.- Taraiya, Distt - Saran at Chapra.
2. Satyendra Rai Son of Late Nathuni Rai Resident of Village - Damchhu, P.S.- Basantpur, Lakari Nabiganj (O.P), Distt - Siwan.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-08-2021 Heard Mr. Naresh Prasad, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 26.11.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No. 2295 of 2019 arising out of Basantpur P.S. Case No. 28 of 2019, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 323, 341, 406, 354(B), 504 and 506 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST



(Prevention of Atrocities) Act has been rejected.

It appears that a complaint was lodged by one Reena Kunwar alleging that when she wanted her residential certificate to be issued, she was asked for making payment of some money and on her refusal to do so, she was abused by taking her caste name.

Learned counsel for the appellants has submitted that an absolutely false case has been lodged against the appellants. The complainant has been set up by the local Mukhiya against whom the appellant no. 1 had earlier filed a case alleging that he had been pressurizing him to commit forgery in the revenue records.

The complainant also does not wish to prosecute the appellants any further.

Regard being had to the nature of accusation, it has been urged on behalf of the appellants that no offence under the SC/ST (Prevention of Atrocities), Act can at all be said to have been made out against the



appellants.

For the facts stated above, the order dated 26.11.2019 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail 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 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No. 2295 of 2019 arising out of Basantpur P.S. Case No. 28 of 2019.

(Ashutosh Kumar, J)

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