

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3849 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. DHARMENDRA PRASAD Son of Dhruvashankar Prasad Resident of Village - Balahun, P.S.- Maharajganj, Distt.- Siwan, Bihar
2. Arun Kumar @ Arun Prasad Son of Hira Lal Prasad Resident of Village - Balahun, P.S.- Maharajganj, Distt.- Siwan, Bihar

... .. Appellants

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 3552 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- MAHARAJGANJ District- Siwan

SUNIL KUMAR @ SUNIL PRASAD Son of Krishna Prasad Resident of Village - Balahun, P.S. Maharajganj, District - Siwan, Bihar.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3849 of 2021)

For the Appellant/s : Mr.Prashant Kumar

For the Respondent/s : Mr.A.G

(In CRIMINAL APPEAL (SJ) No. 3552 of 2021)

For the Appellant/s : Mr.Prashant Kumar

For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-10-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned Spl.P.P. for the State.



This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 22.03.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Siwan in A.B.P. No. 399 of 2021 arising out of Maharajganj P.S. Case No. 215 of 2020, registered for the offences punishable under Sections 147, 148, 149, 452, 341, 323, 324, 307, 325, 354(B), 504, 506 of the Indian Penal Code & Section 3(1)(r)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the nephew of the informant Rajnish Kumar went to his roof and from the roof the courtyard of Ritik Roushan was visible. One day prior to the occurrence, Ritik Raushan had abused Rajnish Kumar after making allegation that he was peeping into his courtyard. Thereafter, the accused persons badly assaulted the family members of the informant and they also abused them and they snatched silver chain from the neck of the informant.

Learned counsel for the appellants has submitted that the present case is counter blast of Maharajganj P.S. Case No. 213 of 2020 lodged by the defense side against the prosecution



side. The appellants are the persons of clean antecedent.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 22.03.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Siwan is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Siwan in connection with Maharajganj P.S. Case No. 215 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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