

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3096 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SC/ST District- Jamui

=====

Suresh Sah @ Sulendra Sah @ Surendra Sah Son Of - Ram Prasad Sah
Resident Of Village - Agahara, P.S.- Sono, District - Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Amar Prakash
Mr. Nagendra Sharma

For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2022 Heard the learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

05.08.2022 passed by learned Additional District Judge

I, Jamui in ABA 1167 of 2022 in connection with Jamui

SC/ST P.S Case No. 01 of 2022 instituted for the

offences punishable under Sections 147, 148, 149, 341,

323, 324, 325, 354(B), 380, 427, 504, 506 of the

Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of

SC & St (Prevention of Atrocities) Act, whereby his

prayer for being released on anticipatory bail has been



rejected.

The accusations are of making assault and abusing by calling caste name to the informant and her family members.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some land dispute, the present case has been lodged. There is counter version of the occurrence also and both sides have sustained injuries. As per F.I.R, the occurrence was not taken place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 05.08.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be



released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge I, Jamui in connection with Jamui SC/ST P.S. Case No. 01 of 2022..

(Sunil Kumar Panwar, J)

nirajkrs/-

U		T	
---	--	---	--

