

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4910 of 2021**

Arising Out of PS. Case No.-38 Year-2017 Thana- SC/ST District- Rohtas

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1. SANDEEP KUMAR DUBEY @ NEELAM DUBEY S/o Rajbali Dubey Resident of Village- Durgapur, P.S.- Indrapuri, District- Rohtas.
 2. SANJAY DUBEY @ BHAKUNDAR DUBEY @ SANJAY KUMAR DUBEY S/o Srikant Dubey Resident of Village- Durgapur, P.S.- Indrapuri, District- Rohtas.
 3. VIKASH KUMAR SATYAM S/o Vinod Kumar @ Arvind Kumar Dubey Resident of Village- Durgapur, P.S.- Indrapuri, District- Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kariman Ram S/o Late Mudrika Ram Resident of Village- Mathuri, P.S.- Dalimyanagar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mithilesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 17-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor 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, 1989 for setting aside the order dated 28.10.2021 passed by the learned 1st



Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in Regd. Case No. 160/2017, arising out of SC/ST Dehri P.S. Case No. 38/2017 registered for offence punishable under sections 384, 379, 341, 504/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, a pond was settled to the informant for fishing. When he went for fishing, the accused persons, including appellants, demanded ransom. There is also allegation that appellant no. 1 snatched Rs.8,000/- from the pocket of the informant and abused him in filthy words.

The learned counsel for the appellants has submitted that final form was submitted in this case, since nothing emerged against the appellants during course of investigation. After five months of submission of final form, the informant has filed protest petition. He has submitted further that the informant and his committee were fishing also from the pond situated on the land, which was not allotted to them.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 28.10.2021 is set aside.

Accordingly, the appellants, in the event of arrest or



surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 38/2017.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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