

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.659 of 2016

Arising Out of PS.Case No. -357 Year- 2011 Thana -SC SC PS District- VAISHALI(HAJIPUR)

1. Vijay Singh
2. Ajay Singh Both son of Shiv Shankar Singh, Resident of Village-
Baziraut, P.S. Sakra, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rana Vikram Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 27-09-2016

Heard Mr. Rana Vikram Singh, learned counsel for

the appellants and Mr. Binay Krishna, learned Special Public
Prosecutor for the State.

2. This appeal under Section 14-A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
has been filed against the order dated 8th June, 2016 passed by the
learned 11th Additional Sessions Judge-cum-Special Judge, SC/ST
Act, Muzaffarpur, whereby the bail application of the appellant in
connection with G.R. No. 3240 of 2011 arising out of Hajipur
SC/ST P.S.Case No. 357 of 2011 registered under Sections 147,
148, 149, 341, 323, 504, 506, 324, 325, 379 of the Indian Penal
Code and Section 3(1)(x) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

3. It is contended that the First Information Report was



registered against altogether ten persons including the two petitioners out of whom four are ladies. All the accused belong to the same family. It is further contended that the entire allegation is false and baseless and it has been lodged just in order to teach a lesson to the appellants' family for filing title suit against the informant Jai Mangal Ram. The younger brother of the appellants had filed Title Suit No. 359 of 2011 on 8th July, 2011 in the court of Sub-Judge-I, Muzaffarpur against the informant and others as defendants and two months thereafter, i.e. on 2nd September, 2011, the present FIR falsely implicating the appellants and their entire family members was filed by the informant leveling false, baseless and absurd allegations. It is also contended that the other co-accused are on bail and the appellants are in custody since 8th June, 2016 and till date even charges have not been framed.

4. On the other hand, Mr. Binay Krishna, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellants. He has stated that the offences alleged are serious in nature. The appellants are alleged to have abused, humiliated, harassed and assaulted the informant in full public view. In reply to the query made by the Court, learned Special Public Prosecutor has fairly conceded that practically it is not possible to conclude the trial within two months as prescribed

under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. Taking into consideration the submissions made by the parties and the period undergone by the appellants in custody, the impugned order dated 8th June, 2016 passed by the learned 11th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with G.R. No. 3240 of 2011 arising out of Hajipur SC/ST P.S.Case No. 357 of 2011 is set aside. The appellants Vijay Singh and Ajay Singh are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 11th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with G.R. No. 3240 of 2011 arising out of Hajipur SC/ST P.S.Case No. 357 of 2011, subject to the condition that one of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality and the other one shall be a close relative.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J)

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