

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.792 of 2016

Arising Out of PS.Case No. -30 Year- 2015 Thana -HARIZAN District- BEGUSARAI

- =====
1. Gopal Malakar Son of Ram Balak Malakar
 2. Ram Balak Malakar Son of Late Chhatthu Malakar

Both are resident of village - Basahi, Police Station Cheriya Bariyarpur, District
- Begusarai

..... Appellant
Versus

The State of Bihar

..... Respondent

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Appearance :

For the Appellant/s : Mr. Ashish Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This appeal under Section 14-A(2) of the
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been filed against the order dated
09.08.2016 passed by the learned Special Judge, SC/ST, Begusarai,
whereby the bail application of the appellant in connection with
Harizan SC/ST P. S. Case No. 30 of 2015 registered under Sections
341, 323, 447, 354, 385, 504 and 506/34 of the Indian Penal Code
and Section 3(1)(x)(xi) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

3. It is contended that the appellants have been the victims of malicious prosecution. Though the alleged occurrence is said to have taken place on 25.09.2015, the case was registered after two days on 27.09.2016 and there is no explanation for undue delay caused in institution of the FIR, especially when the police station is situated at a short distance from the place of occurrence. It is further contended that the appellants are co-villagers of the informant and a dispute had taken place between children of two families over a petty issue and the case was registered after due deliberation in order to teach the parents of the children a lesson. It is also contended that the appellants have no criminal antecedent and are in custody since 31.07.2016.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellants. He has submitted that there is neither any illegality nor irregularity in the impugned order passed by the learned Sessions Judge.

5. Regard being had to the facts of the case in totality of the circumstances, the impugned order dated 09.08.2016 passed by the learned Special Judge, SC/ST, Begusarai in connection with Harizan SC/ST P. S. Case No. 30 of 2015 is set

aside. The appellants above-named are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Begusarai in connection with Harizan SC/ST P. S. Case No. 30 of 2015.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	...
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