

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1612 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- SINGHIYA District- Samastipur

1. Nawal Singh @ Nawal Kishor Singh Son of Late Devan Singh Resident of Village- Basudeva, P.S.- Singhia, District- Samastipur.
2. Ram Kishor Singh @ Ram Singh Son of Late Devan Singh Resident of Village- Basudeva, P.S.- Singhia, District- Samastipur.
3. Manoranjan Kumar Singh @ Manoranjan Singh Son of Nawal Kishor Singh Resident of Village- Basudeva, P.S.- Singhia, District- Samastipur.

... .. appellants/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the appellants/s : Mr.Ajay Kumar Thakur, Advocate

Ms. Babita Kumari, Advocate

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 25.03.2019 passed by learned Special Judge (SC/ST Act),
Samastipur in Singhiya P.S. Case No. 164 of 2018 registered
under Sections 147, 148, 149, 302, 307, 323, 341, 504 and 506
of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Appellants along with six other named accused persons and 40 unknown miscreants were taking wine at the school. They are also said to have thrashed the husband of the informant by means of lathi resulting into his death.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case by the informant due to land dispute. Informant does not happen to be eye witness of the occurrence. As a matter of fact, the deceased was a person of criminal antecedent and might have been eliminated by some other persons and appellants have been falsely implicated in the case by the informant with ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Though around 50 persons are said to have assaulted the deceased indiscriminately by means of lathi, but the doctor conducting the autopsy of the deceased has found only one lacerated injury on the right temporal region and one swelling on right wrist of the deceased. Assailant of the said injury is not ascertained. Appellants have no criminal antecedent and have been languishing in custody since 24.12.2018.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Samastipur in connection with Singhiya P.S. Case No. 164 of 2018.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.04.2019
Transmission Date	26.04.2019

