

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2091 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- DEO District- Aurangabad

1. Rohit Kumar Son of Naval Singh Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
2. Alok Singh @ Alok Kumar Singh Son of Pundeo Singh Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
3. Anuj Singh Son of Devendra Singh Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
4. Ashutosh Kumar Son of Yogendra Kumar Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
5. Brajesh Kumar Son of Arvind Kumar Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
6. Parmendra Kumar Son of Rampyare Prasad Resident of Village - Israur, P.S.- Deo, District - Aurangabad.
7. Mukesh Kumar Singh Son of Rajeshwar Singh Resident of Village - Israur, P.S.- Deo, District - Aurangabad.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2211 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- DEO District- Aurangabad

Raju Kumar @ Raju Ram S/o Lakhan Prasad @ Lakhan Ravidas Resident of Village- Isrore, P.S.- Deo, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2091 of 2019)

For the Appellant/s : Mr. Krishna Prasad Singh
Mr. Saket Kumar Singh

For the Respondent/s : Mr. Binay Krishna, APP

(In CRIMINAL APPEAL (SJ) No. 2211 of 2019)

For the Appellant/s : Mr. Krishna Prasad Singh
Mr. Saket Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan, APP



**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-06-2019 As the aforesaid both criminal appeals have cropped up from the same P.S. case hence, they are taken up together for consideration and disposed of by this common order.

Heard learned counsel for the appellant 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 orders dated 27.04.2019 and 30.04.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in Deo P.S. Case No. 52 of 2019 registered under Sections 147, 148, 149, 307, 353, 341, 323, 324 of the Indian Penal Code and Section 3(1)(r)/ 3(1)(s)/ (3)(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Persons of two villagers were indulged in the assault over row of passage and on intervention of the informant and police party, they assaulted them by means of lathi, rod and stone and made the informant and some police personnel injured. Out of them, 14 persons including the appellants were apprehended while other managed to escape.

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 this case. They were not present at the place of occurrence rather they were apprehended from their respective houses and falsely roped in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. No injury report has been brought on record by the prosecution. Appellants have no criminal antecedent and have been languishing in custody since 24.04.2019. Similarly situated co-accused, namely, Anand Kumar Mahto @ Kumar Anand and Pankaj Kumar Mahto @ Pankaj Mumar have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 15.05.2019 passed in Cr. Appeal (SJ) No. 2016 of 2019.

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 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Deo P.S. Case No. 52 of 2019.



Accordingly, the impugned orders are set aside and
the aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

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