

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2795 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. Amit Kumar Jha Son of Sanjeev Jha @ Sanjeev Kumar Jha Resident of Village- Rambhadrapur, P.S- Bahadurpur (Pator O.P.), District- Darbhanga.
2. Prince Kumar Son of Vakil Sah Resident of Village-Rambhadrapur, P.S- Bahadurpur (Pator O.P.), District-Darbhangha.
3. Harishankar Sah Son of Vinod Sah Resident of Village-Rambhadrapur, P.S- Bahadurpur (Pator O.P.), District-Darbhangha.

... .. Appellants.

Versus

1. The State of Bihar.
2. Jangli Manjhi Son of Late Lalo Manjhi Resident of Village-Usma Math, P.S- Patore O.P. (Bahadurpur), District-Darbhangha.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Kaushalesh Choudhary
For the Respondent/s : Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 02-08-2019 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 16.03.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Darbhanga in Bahadurpur (Pator O.P.) P.S. Case No. 107 of 2019 registered under Sections 366, 511, 506/34 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Section 3(1)(x)(r) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

During the course of Panchayati over love affair between the daughter of the informant and Vikash Gupta, six Scorpio borne criminals including the appellants descended there and tried to kidnap her daughter brandishing pistol. However, all the accused persons including the appellants were apprehended by the villagers and one loaded country made pistol was recovered from co-accused Subodh Kumar Cahudhary and the accused persons along with seized arms and ammunition were handed over to the police by the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellants have taken part in the Panchayati, but the said Panchayati stood failed due to some differences between two groups of the persons, and as the appellants happen to be associate of Vikash Gupta, they have been falsely implicated in this case by the informant apprehending them produced before the police. No arms and ammunition has been recovered from the possession of the appellants and moreover the said arms and ammunition was not seized by the police rather were produced before the police by the informant. Parties have entered into compromise in the case. Appellants



have no criminal antecedent and have been languishing in custody since 17.03.2019. Similarly situated co-accused Madan Kumar Das and Laxman Kumar have been enlarged on bail by this Court vide order dated 29.07.2019 passed in Cr. Appeal (SJ) No.2576 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, Darbhanga in connection with Bahadurpur (Pator O.P.) P.S. Case No. 107 of 2019.

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

(Prakash Chandra Jaiswal, J)

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