

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2824 of 2019

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

1. Vikash Singh @ Vikash Kumar Singh Son of Sri Lochan Singh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur
2. Awadesh Singh @ Avdesh Singh Son of Sri Jawala Singh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur
3. Pankaj Singh @ Pankaj Son of Sri Nirmal Singh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur
4. Manish Singh @ Manish Kumar Son of Sri Nirmal Singh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur
5. Rajnish Kumar Singh @ Rajnish Singh @ Mitha @ Mithu @ Bittu Son of Sri Mithilesh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur
6. Lapetan Singh @ Laptean Kumar Singh @ Manoj Kumar Singh @ Manoj Singh Son of Late Kari Singh Resident of Village - Basudeva, P.S.- Singhia, District- Samastipur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
		Mr. Pravin Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-07-2019 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 12.06.2019 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, 506 of the Indian Penal Code and Sections 3(i)(r)(w) 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with three other named and 40 unknown miscreants were taking liquor at the school and they bludgeoned to the death husband of the informant by means of lathi.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this 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 the appellants have been falsely implicated in this case by the informant with ulterior motive. 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 doctor conducting autopsy of the cadaver 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 03.05.2019. Similarly situated co-accused, namely, Nawal Singh @ Nawal Kishor Singh & Ors. have been enlarged on bail by this Court vide order dated 25.04.2019 passed in Cr. Appeal (SJ) No. 1612 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 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)

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