

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4323 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- KUNALI District- Supaul

1. RAM NARAYAN MEHTA Son of Late Dev Sundar Mehta Resident of Village- Sikarhatta, P.O.- Dagmara, P.S.- Kunouli (Digmara O.P.), District- Supaul.
2. Rabindra Kumar Mehta @ Raj Kamal Son of Late Dev Sundar Mehta Resident of Village- Sikarhatta, P.O.- Dagmara, P.S.- Kunouli (Digmara O.P.), District- Supaul.
3. Dilip Kumar Mehta Son of Late Dev Sundar Mehta Resident of Village- Sikarhatta, P.O.- Dagmara, P.S.- Kunouli (Digmara O.P.), District- Supaul.
4. Rakesh Kumar Mehta Son of Chit Narayan Mehta Resident of Village- Sikarhatta, P.O.- Dagmara, P.S.- Kunouli (Digmara O.P.), District- Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-12-2019 The instant appeal under section 14A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 has been preferred against the rejection of bail of the appellants vide order dated 21.08.2019 passed in A.B.P No. 908 of 2019 in connection with Kunouli (Dagmara O.P) P.S. Case No. 31 of 2017 registered for the offence under sections 147, 149, 341, 323, 379, 467, 468, 504 and 506 of the Indian Penal Code and section 3(i) (r) (s) of SC/ST Act.

As per the allegation in the FIR, the accused persons including the appellants herein are stated to have abused the



informant in the name of his caste and of having assaulted him. It is further stated that on the orders of the appellant no. 1, Chit Narayan Mehta and others assaulted the informant.

It is submitted by learned counsel for the appellants that so far as Ram Narayan Mehta is concerned, the allegation is only of being an order giver. The allegations are general and omnibus in nature and that the case of the appellants stands on a similar footing to that of co-accused Chit Narayan Mehta who has been enlarged on bail by order dated 10.04.2018 passed in Cr. APP (SJ) No. 719 of 2018.

The application for bail is opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and having gone through the order dated 10.04.2018 (Annexure 2), granting bail to the co-accused Chit Narayan Mehta as also the allegations in the FIR, it transpires that there is specific allegation against the appellant no. 1 of having abused the informant in the name of his caste and as such this Court is not inclined to grant bail to the appellant no. 1. Hence the application for bail so far as appellant no. 1 is concerned, is dismissed.

In view of the facts and circumstances of the case



especially the fact that the case of the appellant nos. 2, 3 and 4 stands on a similar footing to that of co-accused Chit Narayan Mehta, the Court is inclined to allow this appeal and the order impugned dated 21.08.2019 passed in A.B.P No. 908 of 2019 is set aside.

The appellant nos. 2, 3 and 4, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with Kunouli (Dagmara O.P.) P.S. Case no. 31 of 2017 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum-Special Judge Supaul subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

The appeal stands allowed so far as the appellants no. 2, 3 and 4 are concerned.

(Partha Sarthy, J)

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