

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4361 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- SAHPUR District- Patna

1. Uttim Rai @ Nepali Rai Son of Shivji Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
2. Sadhu Sao Son of Nayakl Sao Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
3. Satendra Rai Son of Jwala Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
4. Awadhesh Rai @ Awdesh Rai Son of Subash Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
5. Chabila Rai Son of Tipan Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
6. Satendra Sao Son of Shankar Sao Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
7. Lal Babu Rai Son of Mahesh Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
8. Jai Nandan Rai Son of Rajgir Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.
9. Vinay Rai Son of Rajgir Rai Resident of Village - Habaspur, P.S.- Shahpur, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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 01.07.2019 passed in A.B.P no. 4721 of 2019 arising from Shahpur P.S. Case no. 348 of 2018 giving rise to Spl. Case no. 621 of 2018 registered for the offence under sections



147,341,323,504,379 and 307 of the Indian Penal Code and section 3(i) (r) of SC/ST Act.

As per the allegation in the FIR, 31 accused persons, 16 named and 15-20 unknown accused persons are said to have abused the informant in the name of his caste and assaulted him.

It is submitted by learned counsel for the appellants that the allegations are general and omnibus in nature and in spite of the accusation against 31 persons in total, there is no specific allegation as to who abused the informant in the name of his caste. It is further submitted that the reason for implication of the appellants in the present case is pending dispute between the parties and that the case of the appellants' stands on a similar footing to that of other co-accused who have been enlarged on bail by order dated 05.08.2019 passed in Cr. APP (SJ) no. 2820 of 2019.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the general and omnibus nature of allegation of 31 accused persons having assaulted and abused the informant in the name of his caste and grant of bail to six co-accused by



order dated 05.08.2019 passed in Cr. Misc. no. 2820 of 2019, the Court is inclined to allow this appeal and the order impugned dated 01.07.2019 passed in A.B.P no.4721 of 2019 is set aside.

The appellants above named, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with Spl. Case no. 621 of 2018 (arising out of Shahpur P.S. Case no. 348 of 2018) 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 VIII-cum- Special Judge SC/ST Act, Patna subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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