

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.107 of 2020

Arising Out of PS. Case No.-327 Year-2018 Thana- UJIYARPUR District- Samastipur

1. ARJUN DAS Son of Rameshwar Das Resident of Village- Korbaddha, P.S.- Ujjiyarpur, District- Samastipur.
2. Mahaveer Poddar Son of Ram Vilash Poddar Resident of Village- Birnama, P.S.- Angarghat, District- Samastipur.
3. Phool Babu Singh Son of Ram Chandra Singh Resident of Village- Gangapur, P.S.- Musrigharari, District- Samastipur.
4. Jasvant Kumar Singh @ Yashwant Kumar Singh Son of Ramdev Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
5. Roshan Kumar Singh @ Raushan Singh Son of Roop Narayan Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
6. Shyam Sundar Singh Son of Dorik Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
7. Vaidhnath Singh Son of Ram Khelawan Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
8. Ramashish Singh Son of Ramjee Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
9. Phuni Lal Rai Son of Late Ram Udgar Rai Resident of Village- Ramchandrapur Adhail, P.S.- Ujjiyarpur, District- Samastipur.
10. Baudhu Singh Son of Ram Prasad Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
11. Vijay Kumar Singh Son of Prakash Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.
12. Kaushal Singh Son of Ram Udgar Singh Resident of Village- Korbaddha Pataili, P.S.- Ujjiyarpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh, Adv
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-06-2020 The matter has been taken up through video conferencing.



Appellant No.2-Mahaveer Poddar and appellant No.7-Vaidhnath Singh have already been arrested in this case as informed by learned counsel for the appellants.

Hence, their prayer for anticipatory bail is infructuous now.

Let the defects be removed within 15 days of the start of physical Court.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 05.12.2019 in A.B.P. No.2942 of 2019 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Ujiyarpur P.S.Case No. 327 of 2018 registered under Sections 147,186,341,342,353,504,506 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act and Sections 70/72 of Bihar Police Act, 2007.

The informant of the case is local chaukidar. According to first information report, the FIR named and others were going to stage Dharna and they were putting loudspeaker etc. at the referred place. When they were asked to remove their



programme, co-accused-Mahaveer Poddar allegedly abused the informant by taking caste name.

Learned counsel for the appellants submits that a bare perusal of the FIR would show that no one was intending to humiliate a member of the scheduled caste nor there is any specific allegation against any of the above appellants, to have committed any overt-act. Therefore, the offence under Scheduled Tribes (Prevention of Atrocities) Act is prima facie not made out against the appellants.

Finding substance in the submission aforesaid, in my view, the impugned order refusing prayer for anticipatory bail deserves to be set aside to prevent the miscarriage of justice. Hence, let the appellant No.1,3 to 6 and 8 to 12, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellants shall fully cooperate with the investigation of the case and also the



appellants shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

If the appellants would not be able in furnishing sureties due to lock-down, they shall be provisionally released on their personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

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

(Birendra Kumar, J)

Nitesh/-

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