

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.247 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- KAUWAKOL District- Nawada

Prabhakar Saw @ Prabhakar Kumar @ Prabhakar Dev, Son of Vinod Saw,
Resident of Village- Kauwakol, Police Station - Kauwakol, District - nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar, Advocate Mr. Raj Kumar, Advocate. Mr. Shudhanshu Shekhar, Advocate.
For the Respondent/s	:	Mr.Usha Kumari 1, Special PP SC/ST Act.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-01-2020 Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 03.12.2019 passed in ABP No. 1747 of 2019, whereby and whereunder the learned Ist Additional Sessions Judge-cum-Special Judge, Nawada, rejected the prayer of pre-arrest bail of the appellant in connection with Kauwakol (Kawakol) P.S. Case No. 175 of 2019, registered under Sections 341, 323, 448, 379, 307, 354(B), 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

The persecution case, in brief, is that eight persons named in the FIR including the appellant came at the door of the informant, Durgi Devi, in the late evening of 25.06.2019 and started to abuse him. When the informant made protest then Ramashish Singh ordered to kill her denoting her caste, on which, Pintu Sah gave fracture injury at his arm through iron rod. On raising alarm, her husband Bikrant Kumar came to save her then Pintu Saw and Binod Saw started to cause injury at the head of her husband. At that time, Sonu Saw and Sanjay Saw torn her blouze.

Learned counsel for the appellant submits that while the appellant is named in the FIR but no specific overt act has been attributed against him, in fact, due to dispute of Path, hot talk was exchanged but with ulterior motive, the present case has been lodged with false allegation. Further submission is that co-accused, Ram Chandra Sao @ Ram Chandra Saw and Pintu Sao @ Pintu Kumar have already been allowed privilege of pre-arrest bail by a Bench of this court vide order dated 02.12.2019 passed in Criminal Appeal (SJ) No. 4506 of 2019.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.



Let the appellant, above named, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Nawada, in connection with Kauwakol (Kawakol) P.S. Case No. 175 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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