

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.653 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- JAMALPUR District- Munger

1. SONU KUMAR S/o Prasadi Tanti Resident of Chhoti Daulatpur, P.S.- Jamalpur, Distt.- Munger.
2. Kundan Kumar S/o Vijay Tanti Resident of Chhoti Daulatpur, P.S.- Jamalpur, Distt.- Munger.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jyoti Ranjan Jha, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-05-2020 This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 28.01.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Munger in connection



with Jamalpur P.S. Case No.99 of 2019 registered under Sections 147, 148, 149, 302, 504 & 506 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Eight named accused persons including the appellants and 3-4 unknown miscreants assaulted the son of the informant by means of lathi, rod, hockey stick etc. slating him in the name of his caste inflicting severe injury to him. Son of the informant succumbed to his injury and he also divulged her about her name of the aforesaid accused persons as his assailant.

Vide order dated 05.09.2019, this Court had refused to grant the privilege of bail to the appellants with a liberty to renew their prayer after framing of charge.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics under the instigation of antisocial elements, who in order to avenge their personal grudge and malice, got them implicated in this case. The allegation of assaulting the deceased is not specific rather general and omnibus in nature. Though 12 accused persons are said to have assaulted the son of the informant by means of lathi, rod bat, hockey stick etc. but the



deceased has sustained only two head injuries besides other four injuries on non-vital part and the head injuries proved fatal. It is also submitted that charge has been framed against the appellants. Appellants have been languishing in custody since 20.05.2019.

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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Munger in connection with Jamalpur P.S. Case No.99 of 2019.

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

(Anjani Kumar Sharan, J)

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