

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1736 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Samastipur

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1. KUNJ BIHARI SINGH S/o Sachidanand Singh,
 2. Nilesh Kumar Singh S/o Kunj Bihari Singh,
 3. Saraswati Devi W/o Kunj Bihari Singh,
- All are Resident of Village-Kale Narpat Nagar, P.S.-Hasanpur, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the appellants undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

This is an appeal under Sections 14 (A) (2) of the
Scheduled Caste and Scheduled Tribes (Prevention of Atrocities
Act, 1989 (hereinafter in short referred to as the 'S.C./S.T. Act'),



against the refusal of prayer for bail vide order dated 02.07.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No. 1048/2020 in connection Samastipur SC/ST P.S. Case No. 25 of 2020 registered under Sections 323/341/354/379/504/506 and 34 of the Indian Penal Code and Sections 3 (i)(r)/ 3 j(i) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

Prosecution case in brief is that as per FIR, the informant submits written information and stated that she is elected Up Mukhiya of Gram Panchayat Raj, Fulhara. In her ward NAL JAL work is in progress. On 01.06. 2020 she was getting work done with the help of labours in the meantime Saraswati Devi came at the spot and told her to stop the work then informant mutely proceeded from these toward her hom. When she reached at tea stall near her house all FIR named accused persons came behind her and abused her with taunting name of her caste Jolaha. She further alleged that Nilesh Kumar Singh hit on her head with bomboo upon which she became unconscious due ti internal head injury. She further alleged that accused persons hae snatched her golden JITIYA cost of Rs. 70,000/- from her neck. She further stated that her husband and her daughter came to rescue her they were also beaten by them.



She further stated that due to intervention of villagers her life could save. She brought to Govt. hospital for treatment and doctor referred her to Sadar Hospital Samastipur for better treatment. The accused Nilesh Kumar Singh demanded ransom in NAL JAL work.

Learned counsel for the appellant submits that the appellants are family member and they are innocent and have falsely been implicated in this case. The informant has lodged this false case against the appellant because the appellant no. 1 and some other villagers of Ward No. 10, Gram Kale Narpatnagar, Panchayat Raj-Fulhara, P.S.-Hasanpur, District-Samastipur have filed complaint petition before the District Magistrate, Samastipur, the Deputy Development Commissioner, Samastipur, the Sub Divisional Officer, Rosera and the Block Development Officer, Hasanpur against the informant regarding poor work in HAR GHAR NAL JAL SCHEME as well as embezzlement of money in the said scheme. (Complaint petition as Annexure-2 series of this appeal).

Learned counsel for the appellants further submits that from perusal of the FIR, it transpires that the FIR has been lodged at belated stage as date of occurrence is 01.06.2020



while FIR has been lodged on 10.06.2020 after lapse of more than nine days after making a concocted and false story. There is no explanation of delay for lodging the FIR. The appellants have no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event or their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Samastipur in connection with Samastipur SC/ST P.S. Case No. 25/2020 in A.B.P. No. 1048/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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