

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5051 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Nalanda

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1. BABLU KUMAR @ SANJEEV SAGAR Son of Sumindra Gope Resident of Village- Mohanpur, P.S.- Nalanda, District- Nalanda.
 2. Rishi Kumar Son of Umesh Mahto Resident of Village- Mohanpur, P.S.- Nalanda, District- Nalanda.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants : Mr. Pramod Kumar Sinha, Advocate.
For the State : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 22-01-2020

Heard learned counsel for the appellants 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, is directed against the order dated 26.09.2019 passed in A.B.P. No.2354 of 2019, whereby and whereunder the 1st Additional Sessions Judge, Nalanda at Bihar Sharif, rejected the prayer of the appellants to grant the privilege of pre-arrest bail in connection with SC/ST P.S. Case No.34 of 2019 registered under Sections 342, 323, 307, 379 and 354(B)/34 of the Indian Penal Code besides Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST



Act.

The prosecution case, in brief, is that 11 persons, named in the F.I.R., including the appellants and 25 unknown surrounded the informant Amar Paswan, when he was returning to his house from the market and started to abuse denoting the caste name. When the informant made protest, then Dablu Kumar, with an intention to kill him, caused assault to him through the butt of the pistol on his head, due to which the blood started oozing out from his head and also started to cause assault to the informant through lathi and danda and snatched the gold ring of the informant.

Learned counsel for the appellants submits that while the appellants are named in the F.I.R. along with others but no specific overt act is attributed to them. Further submission is that the similarly situated co-accused Lal Babu Yadav alias Ashutosh Kumar and Gopal Pandey have already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 03.12.2019 passed in Criminal Appeal (SJ) No.5269 of 2019. The appellants have no criminal antecedent except one case bearing Nalanda P.S. Case No.109 of 2019, as detailed in paragraph-3 to this appeal, which was lodged on the same day by one Sanjay Paswan at the instigation



of the informant of the present case.

Having considered the facts and the circumstances of the case, the impugned order dated 26.09.2019 is set aside and this appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge, Nalanda at Bihar Sharif, in connection with SC/ST P.S. Case No.34 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020.
Transmission Date	23.01.2020.

