

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5091 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- BADHAILA District- Rohtas

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1. SANJAY SINGH Son of Late Wakil Singh Resident of Village- Baghila, P.S.- Baghaila, District- Rohtas
 2. Chhotu Singh @ Chhotu Kumar Singh @ Chhotan Singh @ Chhotan Kumar Singh Son of Sudarshan Singh Resident of Village- Baghila, P.S.- Baghaila, District- Rohtas
 3. Sudarshan Singh Son of Late Ram Sundar Singh Resident of Village- Baghila, P.S.- Baghaila, District- Rohtas
 4. Punam Singh @ Munna Kumar Son of Prayag Singh Resident of Village- Baghila, P.S.- Baghaila, District- Rohtas
 5. Monu Singh @ Mannu Kumar Singh Son of Lalan Singh Resident of Village- Baghila, P.S.- Baghaila, District- Rohtas

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 25-06-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 17.10.2019 passed by learned 1st Additional District and Sessions Judge, Rohtas in connection with Baghaila P.S. Case No. 33 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 326, 307, 337 of the



Indian Penal Code and Section 3(i)(r)SC/ST Act.

It is submitted by learned counsel for the appellants that during pendency of this appeal, appellant no. 2 has already been arrested, as such, he wants to withdraw this appeal so far as petitioner no. 2 is concerned.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn against appellant no. 2.

Allegation against appellants and other co-accused is of assaulting the informant and his nephew by means of lathi, danda and bhala, as a result of which his nephew sustained injury in his stomach.

It has been submitted on behalf of appellants that they are innocent and have been falsely implicated in this case. Allegation against appellant no. 1 is of only order giver and no overt act has been alleged against him. There is no specific allegation against appellants rather there is specific allegation of Bhala blow against co-accused Ravi Singh. Injury found is stated to be simple in nature. There is case and counter case. There is no allegation in order to constitute any offence under SC/ST Act. Appellants have no criminal antecedents.

Considering the facts and circumstances of the case,



prayer of anticipatory bail is allowed and appellants named above in the event of arrest or surrender before the court below within four weeks from today, appellants are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees 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 Baghaila P.S. Case No. 33 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

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

(S. Kumar, J)

veena/rajiv-

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