

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.286 of 2020

Arising Out of PS. Case No.-825 Year-2019 Thana- ALAMGANJ District- Patna

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1. MANIKCHANDRA PRASAD @ MANIKCHAND PRASAD @ MANIKCHAND Son of Late Pyare Lal Resident of Mohalla - Arfabad Colony, P.S.- Alamganj, Distt - Patna.
 2. Naga Kumar @ Sonu @ Sonu Kumar Son of Manikchand Prasad @ Manikchand Prasad @ Manikchand. Resident of Mohalla - Arfabad Colony, P.S.- Alamganj, Distt - Patna.
 3. Burha Kahar @ Burah Kahar Son of Yogendra Prasad Resident of Mohalla - Arfabad Colony, P.S.- Alamganj, Distt - Patna.
 4. Babua Kahar Son of Yogendra Prasad Resident of Mohalla - Arfabad Colony, P.S.- Alamganj, Distt - Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Renu Devi Wife of Jaglal Choudhary Resident of Mohalla - Arfabad Colony, P.S.- Alamganj, Distt - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rudra Deo, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 01-02-2021 Heard the learned counsel for the appellants and Sri Binay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 13.12.2019 passed by the learned Additional Sessions Judge VIII cum Special Judge SC/ST Patna in Anticipatory Bail Petition No. 9600



of 2019 in connection with Special Case No. 537 of 2019 arising out of Alamganj P.S. Case No. 825 of 2019 registered under Sections 341, 307, 379, 427, 436, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocity) Act 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

At the outset, the learned counsel for the appellants has submitted that the appellant nos. 1 and 4 have already been arrested, hence, the present appeal qua the appellants no. 1 and 4 is not being pressed.

Accordingly, the present appeal qua the appellants no. 1 and 4 stands dismissed as not pressed.

The allegation is regarding the accused persons including the appellants herein having arrived at the house of the informant, whereafter they are stated to have set the house on fire and had also looted a sum of Rs. 35, 000/-, apart from assaulting the informant and her husband.



The learned counsel for the appellants no. 2 and 3 has submitted that the appellants no. 2 and 3 are innocent and they have been falsely implicated in the present case. It is submitted that as far as the appellant no. 2 is concerned, he is an accused in one other case whereas the appellant no. 3 is having a clean antecedent. The learned counsel for the appellants no. 2 and 3 has submitted that a general and omnibus allegation has been levelled against the appellants no. 2 and 3.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellants no. 2 and 3 and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the appellants no. 2 and 3, I deem it fit and proper to admit the appellants no. 2 and 3 to the privilege of anticipatory bail.



Accordingly, the appellants no. 2 and 3, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII cum Special Judge SC/ST Act Patna in connection with Special Case No. 537 of 2019 arising out of Alamganj P.S. Case No. 825 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 13.12.2019 passed by the learned Additional Sessions Judge VIII cum Special Judge SC/ST Patna in Anticipatory Bail Petition No. 9600 of 2019 in connection with Special Case NO. 537 of 2019 arising out of Alamganj P.S. Case No. 825 of 2019 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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