

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1260 of 2021**

Arising Out of PS. Case No.-362 Year-2019 Thana- MANJHI District- Saran

ANUP SINGH @ ANUP KUMAR SINGH Son of Saman Singh @ Shyam
Narayan Singh Resident of Village - Natwar Parsuram, P.S.- Manjhi, District -
Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1370 of 2021

Arising Out of PS. Case No.-362 Year-2019 Thana- MANJHI District- Saran

PAPPU SINGH @ MUKESH KUMAR SINGH Son of Shambhu Singh @
Shambhunath Singh Resident of Village- Natwar Parshuram, P.S.- Manjhi,
District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1260 of 2021)

For the Appellant/s : Mr.Nivedita Nirvikar

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 1370 of 2021)

For the Appellant/s : Mr.Satya Prakash

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-04-2021 Heard learned counsel for the appellants and learned APP
for the State through virtual mode.

Both the appeals have been preferred 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 for bail. Cr. Appeal (SJ) No.1260 of 2021 has been preferred against the order dated 24.11.2020 whereas Cr.Appelal (SJ) No.1370 of 2021 has been preferred against the order dated 10.12.2020, both passed by learned Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No.362/2019 registered under sections 302/34 IPC and section 3(r)(s)/3(2)(d) of SC/ ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that appellants and other co-accused persons came at the house of informant and forcibly took away her husband by saying that they are taking him for carrying bundle of paddy crops and on protest they forcibly seated her husband on the motorcycle. It is alleged that after some time they brought her husband by lifting and laid him on the cot, but he was injured and on her raising alarm, villagers came and said that her husband has died. It is alleged that earlier also they used to take him forcibly for work without any pay wages.

It is submitted by learned counsel for the appellants that the appellants are innocent, have not committed any offence as alleged in the FIR and have been falsely implicated in this case.



The instant FIR has been lodged by the informant who is wife of the deceased, due to ulterior motive of taking revenge and for satisfying self ego. They are implicated only because they happens to be land owners of agricultural field. No offence under SC/ST Act is made out, inasmuch as there is no allegation that the alleged occurrence has taken place in public view. It is submitted that the post-mortem report shows that the liver was ruptured, hemorrhage may happen and the patient may start bleeding so much that the patient may go into hypovolemic shock which may lead to death. It is also stated that from perusal of para-42 and 43 of the case diary, it is apparent that the independent witnesses have not supported the prosecution case. The appellants have no criminal antecedent. Appellant (in Cr. Appeal (SJ) No.1260 of 2021) is in custody since 15.10.2020 and appellant (in Cr. Appeal (SJ) No.1370 of 2021) is in custody since 27.11.2020.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstance of the case, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge,



SC/ST (POA) Act Saran at Chapra (in Cr. Appeal (SJ) No.1260 of 2021) and learned Additional District and Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra (in Cr. Appeal (SJ) No.1370 of 2021) in connection with Manjhi P.S. Case No.362/2019.

Accordingly, the impugned orders are set aside and the appeals are allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

