

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.793 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Nalanda

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1. Subodh Kumar S/O Bharat Prasad Resident Of Village- Barakar, P.S.- Rajgir, District- Nalanda.
 2. Omkar Prasad S/O Late Kailash Mahto Resident Of Village- Barakar, P.S.- Rajgir, District- Nalanda.
 3. Pramod Kumar Son Of Jagdish Prasad Resident Of Village- Barakar, P.S.- Rajgir, District- Nalanda.
 4. Rajan Kumar @ Ranjan Kumar Son Of Shankar Mahto Resident Of Village- Barakar, P.S.- Rajgir, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Mukherjee- Advocate

For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Ajay Mukherjee, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 13.08.2020 passed by the learned Additional Sessions Judge-1-cum-Special Judge SC/ST Act, Bihar Sharif, Nalanda in connection with Nalanda SC/ST P. S. Case No.22 of 2020, instituted for the offences under Sections 147, 447, 341, 323, 354(A), 379, 307, 148, 504, 337, 338, 506 of the Indian Penal Code, Section 27 of the Arms Act



and Section 3(i)(r)(s),(x), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that over the issue of reaping of crops, there was a dispute in which the informant and others were assaulted and abused by taking their caste name.

It has been urged on behalf of the appellants that there is no accusation of assault in any specific manner on appellant nos.1 and 2. It has further been submitted that two of the accused persons of this case, namely, Himalya Kumar @ Anand Kishore and Pranav Kumar had approached this Court against the order refusing anticipatory bail to them and their appeals were allowed and they have been directed to be released on bail.

The learned Advocate for the appellants has submitted that the informant has received grievous injuries but those are attributable to appellant nos.3 and 4 and not the appellant nos.1 and 2.

There is a counter-version of the occurrence also.

Regard being had to the afore-stated facts, the



appeal with respect to appellant no.1, Subodh Kumar and appellant no.2, Omkar Prasad is allowed, the order dated 13.08.2020, referred to above, is set aside.

The appeal stands allowed.

The appellant no.1, Subodh Kumar and appellant no.2, Omkar Prasad, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1-cum-Special Judge SC/ST Act, Bihar Sharif, Nalanda in connection with Nalanda SC/ST P. S. Case No.22 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

So far as the appellant no.3, Pramod Kumar and appellant no.4, Rajan Kumar @ Ranjan Kumar are concerned, taking into account that the fact that they are alleged to have assaulted the informant by means of brick-bats who has received grievous injuries, I am not inclined to interfere with the order refusing to grant anticipatory bail to them.



The appeal of appellant no.3, Pramod Kumar and
appellant no. 4, Rajan Kumar @ Ranjan Kumar is rejected.

However, if the appellant nos.3 and 4 surrender
before the Court below and seek bail, the Court below shall
consider the case on its own merits, without being prejudiced by
the fact that the present appeal has not been entertained by this
Court.

The appeal is partially allowed.

(Ashutosh Kumar, J)

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