

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2046 of 2020

Arising Out of PS. Case No.-353 Year-2020 Thana- DEHRI TOWN District- Rohtas

1. JITENDRA SINGH @ JITA SINGH Son of Late Jimedar Singh Resident of Village- Bhatauli, P.S.- Indrapuri, District- Rohtas.
2. Jugul Singh Son of Late Jimedar singh Resident of Village - Bhatauli, P.S. - Indrapuri, District - Rohtas.
3. Bijendra Singh @ Bigu Singh Son of Late Jimedar Singh Resident of Village - Bhatauli, P.S. - Indrapuri, District - Rohtas.
4. Bholi Singh @ Suraj Singh Son of Jita @ Jitendra Singh Resident of Village - Bhatauli, P.S. - Indrapuri, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2021 Heard the learned counsel for the appellants learned Special Public Prosecution appearing for the State, Sri Sadanand Paswan.

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 26.08.2020 passed by the learned court of 1st Additional District & session Judge, Sasaram at Rohtas in Registration No. 112 of 2020, arising out of Indrapuri Dehri P.S.Case No. 353 of



2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and Sections 3(ii)(v) of the SC/ST Act, whereby and whereunder the prayer of the appellants for grant of bail has been rejected.

The allegation levelled by the prosecution is regarding the accused persons including the appellants herein having arrived at the house of the informant variously armed, whereafter, they had engaged in assaulting the informant, and his family members resulting in injuries being inflicted on two persons of the prosecution side and subsequently, one person of the prosecution party had succumbed to the injuries inflicted during the course of the said assault by the accused persons.

The learned counsel for the appellants has submitted that the appellants are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 18.05.2020. The learned counsel for the appellants has further



submitted that a general and omnibus allegation has been levelled against the appellants herein and moreover, they have not been alleged to have taken any caste specific name for the purposes of abusing the informant or his family members, hence, no case is made out under the provisions of the SC/ST (POA) Act. It is also submitted that since charge-sheet has already been submitted, no prejudice will be caused to the prosecution, in case the appellants are granted bail.

Per contra, the learned Special Public Prosecutor appearing for the State, Sri Sadanand Paswan, has vehemently opposed the prayer for bail and has submitted that the assault by the accused persons upon the members of the prosecution party has resulted in death of one person, however, he has not been able to deny the fact that a general and omnibus allegation has been levelled against the appellants herein and no specific allegation has been levelled against the appellants regarding them having assaulted the deceased.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that prima facie, no specific allegation has been levelled against the appellants herein of having assaulted the deceased and in fact, only a general and omnibus allegation has been levelled against them, apart from the fact that the appellants are having clean antecedent and charge-sheet has already been filed in the present case, hence, I deem it fit and proper to admit the appellants to the privilege of regular bail.

Accordingly, the above named appellants are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Sasaram, Rohtas in connection with Indrapuri Dehri P.S. Case No. 353 of 2020.



Consequently, the impugned order dated 26.08.2020 passed by the learned court of 1st Additional District & session Judge, Sasaram at Rohtas in Registration No. 112 of 2020, arising out of Indrapuri Dehri P.S.Case No. 353 of 2020, is set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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