

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2043 of 2020**

Arising Out of PS. Case No.-369 Year-2019 Thana- GOPALPUR District- Bhagalpur

1. ASHOK MAHALDAR Son of Late Dasu Mahaldar Resident of Koskipur, Police Station- Tikapatti, District- Purnea.
2. BAHADUR MAHALDAR @ BAHADUR SINGH Son of Late Dasu Mahaldar Resident of Koskipur, Police Station- Tikapatti, District- Purnea.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar

For the Respondent/s : Ms. Usha Kumari-1

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 18-01-2021 Heard the learned counsel for the appellants
and Ms. Usha Kumari-1, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of bail vide order dated 09.09.2020, passed by the learned Additional Sessions Judge III-cum-Special Judge (SC/ST) Bhagalpur in a case arising out of Gopalpur (Rangra) PS case no. 369 of 2019 under Sections 307 and other allied sections of Indian Penal Code, 27 of Arms Act and 3(1)(r) (s), 3(2)(g) of SC/ST Act.

The allegation is regarding the accused persons



including the appellants herein having arrived at the land of the informant, whereafter they had engaged in abusing the informant and others as also assaulted the informant.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 04.09.2020. It is further submitted by the learned counsel for the appellants that they have not been named in the FIR and general and omnibus allegation has been levelled against them. It is further submitted that no caste specific name has been alleged to have been taken by the appellants for the purposes of abusing the informant and others, hence no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Per contra, the learned Spl.PP 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 parties and taking into account the materials



available on record, I find that the appellants are not named in the FIR and moreover, a general and omnibus allegation has been levelled by the informant, apart from the fact they are having clean antecedent, thus, I deem it fit and proper to grant bail to the appellants.

Accordingly, the abovenamed appellants are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III-cum-Special Judge (SC/ST) Bhagalpur in connection with Gopalpur (Rangra) PS case no. 369 of 2019.

Accordingly, the impugned order dated 09.09.2020 passed by the court of learned Additional Sessions Judge III-cum-Special Judge (SC/ST) Bhagalpur in connection with Gopalpur (Rangra) PS case no. 369 of 2019, is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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