

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2105 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- SARAI District- Vaishali

1. Mukesh Kumar, aged about 45 years, Gender-Male, S/o Nagendra Singh.
2. Satish Kumar @ Satish Kumar Singh @ Pappu Singh, aged about 47 years, Gender-Male, S/o Sachindra Singh.
Both are resident of village- Akhtiyarpur Patedha, P.S.- Sarai, District- Vaishali

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-03-2021 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the order dated 08.09.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Vaishali at Hajipur, in connection with Sarai P.S. Case No.61 of 2020, registered for the offence under Sections 147, 149, 341, 323, 353 and 504 of the Indian Penal Code, under Sections 3(i) (r), 3(i)(s) of the SC/ST Act and under Sections 5/6 of the ESM Act, by which the Court below has rejected the prayer for



anticipatory bail of the appellants.

Allegation has been made that on 16.03.2020 there was a free fight between two groups of people, in which one Deepa Kumari received injury and ultimately died. On 17.03.2020 about 400-500 villages blocked the NH-22. On information, the Police party reached there and tried to pacify the matter but, the crowd started abusing the police party by calling their caste name and also obstructed the vehicular movement.

Learned counsel for the appellants submits that the allegations are general and omnibus and no specific allegation has been made against the appellants.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond 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, SC/ST Act, Vaishali at Hajipur, in connection with Sarai P.S. Case No.61 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a



close relative of the appellants and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 08.09.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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