

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.27 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. RAHUL SINGH S/o Surendra Singh Resident of Village-Sewgar, P.S.-
Udwanthnagar, District-Bhojpur, Ara.
2. Kundan Singh S/o Akhilesh Singh Resident of Village-Sewgar, P.S.-
Udwanthnagar, District-Bhojpur, Ara.
3. Ravindra Singh S/o Late Bhuneshwar Singh Resident of Village-Sewgar,
P.S.-Udwanthnagar, District-Bhojpur, Ara.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Shankar Srivastava
For the Respondent/s	:	Mr. Rajendra Nath Jha
For the informant	:	Mr. Parmatma Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2021 Heard learned Counsel for the appellants, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

An order, dated 25.09.2020 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, SC/ST Act,
Bhojpur, at Ara, in SC/ST Case No. 140 of 2020, is under
challenge in the present appeal preferred under Section 14-A(2)
of the Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the regular bail application of
the appellants in connection with Udwant Nagar Police Station
Case No. 215 of 2020 registered for the offences punishable



under Sections 302/34 of the Indian Penal Code and Sections 3(i) (r)/3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that the appellants, variously armed, obstructed the passage of the mother of the informant while she was going to attend the call of nature and co-accused Suraj Singh fired upon the mother of the informant from back, due to which she died.

Learned Counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case due to land dispute between the parties. He further submits that the only allegation against the appellants is that they obstructed the passage of the informant's mother and the appellants are not the assailants and there is also no allegation that they abused the deceased by taking her caste name.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for regular bail and submit that the appellants along with other co-accused persons, with common intention, surrounded the deceased and one of the co-accused fired upon



her, due to which she died. Learned Counsel for the informant submits that all the accused persons forcibly obstructed the passage of the informant side, who are members of the Scheduled Caste community.

Having heard learned Counsel for the parties and taking into consideration the materials on record, particularly the nature of allegation, I am not inclined to grant regular bail to the appellants.

Accordingly, this appeal is dismissed and the order, dated 25.09.2020, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Bhojpur, at Ara, in SC/ST Case No. 140 of 2020, is hereby affirmed.

However, the appellants may renew their prayer for regular bail after three months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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