

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 837 of 2021**

Arising Out of PS. Case No.-645 Year-2015 Thana- BANKA District- Banka

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1. SHALIGRAM KAPRI @ SALLO SINGH Son of Late Bagharo Singh @ Bageshwar Kapri Resident of Village- Rampur, P.S. and Distt- Banka.
 2. Munna Raut @ Munna Kapri @ Munna Kumar Son of Bhairo Kapri @ Bhairi Kapri @ Moti Raut Resident of Village- Rampur, P.S. and Distt- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Balram Kapri, Advocate

For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-03-2021

Heard learned counsel for the appellants and the learned Special PP for the State.

2 The appellants have preferred the present Appeal under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 03.03.2020 passed by Additional Sessions Judge I, Banka in a case registered under Sections 147, 148, 149, 341, 323, 325, 307, 447, 504 of Indian Penal Code and Sections 3 (i) (x) of SC/ST Act in connection with Banka Police Station (for brevity, *PS*) Case No 645 of 2015 dated 25.10.2015.



3 Allegation in the First Information Report (for brevity, *FIR*) is that the accused persons, including the petitioners, have come to the lands wherein informant along with his nephew has gone to inspect the paddy crops. Co-accused Bhola Singh and Prakash Raut have ordered to kill whereupon co-accused Bhola Singh assaulted the informant. Co-accused Prakash Raut and Pappu Raut have also been named as one of those who assaulted.

4 Learned counsel for the appellants submits that, even as per the prosecution case, specific assault and exhortation is alleged against co-accused Bhola Singh, Prakash Raut and Pappu Raut. The appellants have been implicated due to extraneous considerations as at the relevant time, they were working in their own land. The appellants, in the circumstances, are in custody since 14.02.2020, i.e., more than a year.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 03.03.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail. It is submitted that allegation is that all the accused persons have resorted to assault.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 03.03.2020 passed by



Additional Sessions Judge I, Banka in connection with Banka PS
Case No 645 of 2015 dated 25.10.2015 is set aside.

8 Let the appellants above named be released on bail on
each of them furnishing bonds of Rs 10,000/- (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of Additional Sessions Judge I, Banka in Banka PS
Case No 645 of 2015 dated 25.10.2015 subject to the following
conditions:

(1) That one of the bailors will be a close relative of the
appellants who will give an affidavit giving genealogy as to how
he is related with the appellants. The bailor will also undertake to
inform the Court if there is any change in the address of the
appellants.

(2) That the appellants will be well represented on each
date and if they fail to do so on two consecutive dates, their bail
will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2021
Transmission Date	17.03.2021

