

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.178 of 2022**

Arising Out of PS. Case No.-25 Year-2021 Thana- SIMRA District- Aurangabad

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Sunil Singh Son Of Ram Lakhan Singh R/O Village- Dukhi Bigha, P.S.-
Simra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Ram Son Of Not Given (A.S.I. P.S.- Simra, District- Aurangabad),
R/O- Village- Gaji Bihra, P.S.- Mohammadganj, District- Plamu
(JHARKHAND), At Present Address- Simra, P.S.- Simra, District-
Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramendra Kumar Singh, Advocate.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 07-07-2022 Learned counsel for the Appellant is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Pramendra Kumar Singh, learned counsel

for the Appellant. No-one appears on behalf of 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 refusal of prayer for bail vide order dated 08.12.2021 passed by the learned 1st Additional District and Sessions Judge, Aurangabad in connection with Simra P.S. Case No. 25 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 332, 333, 353, 504, 34, 427 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va)/3(2)(v) of the SC/ST (Prevention of Atrocities) Act and Section 61 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the informant got a secret information that the appellant along with other co-accused persons have kept *Mahua* liquor in their house for selling. Thereafter, the police raided the house of the appellant. It is also alleged that other co-accused persons assaulted the informant and one another police personnel.

Learned counsel appearing on behalf of the Appellant submitted that prior to the institution of this case, the appellant was earlier implicated in connection with Simra P. S. Case No. 17 of 2020, registered under the Excise Act and thereafter, the informant and other police personnel would often used to demand *hafta* and they also used to forcefully entered into the house of the appellant despite in presence of ladies due to which some altercation took place, which resulted into



lodging of the present case. It is further submitted that nothing has been recovered from the person or possession of this petitioner and except the allegation of abusing, there is no other allegation of any overt act against this appellant. It is next submitted that so far the injuries are concerned, the same have been found to be simple in nature, except one injury, which has been caused to one Birendra Prasad Yadav that has been attributed to one another co-accused. It is next submitted that the appellant is in custody since 22.11.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is lastly submitted that other co-accused persons namely Prabha Devi, and Rani Kumar have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Appeal (SJ) No. 4447 of 2021 vide order dated 23.06.2022.

Having considered the submissions made on behalf of the parties and taking into account the period of custody, apart from that except the allegation of abusing by taking caste name, there is no other allegation of overt act, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District



and Sessions Judge, Aurangabad in connection with Simra P. S.
Case No. 25 of 2021.

In view of the aforesaid fact, the impugned order
dated 08.12.2021 is hereby set aside and the present appeal is
allowed.

(Harish Kumar, J)

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