

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4832 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

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Ramji Ram, Son of Late Lakhi Ram, Resident of Village - Gopal Tola
(Gopalganj), P.S.- Gaurichak, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indal Kumar, son of late Rohan Paswan, resident of village- Gopal Tola,
P.S.- Gaurichak

... .. Respondent/s

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with
CRIMINAL APPEAL (SJ) No. 4946 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

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Manik Chand Mahto S/O Vishundeo Mahto, R/o village- Gopal Tola
(Gopalganj), P.S.- Gaurichak, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Indal Kumar, son of Late Rohan Paswan, resident of village- Gopal Tola,
P.S.- Gaurichak, District- Patna

... .. Respondent/s

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with
CRIMINAL APPEAL (SJ) No. 213 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

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Sudu Ram @ Suddu Ram, Son of Shiv Kumar Ram @ Shiv Kumar, Resident
of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indal Kumar, son of late Rohan Paswan, resident of village- Gopal Tola,
P.S.- Gaurichak, District- Patna

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4832 of 2021)

For the Appellant/s : Mr.Rajeev Kumar, Advocate



For the Respondent/s : Mr.Usha Kumari 1, Spl.PP
(In CRIMINAL APPEAL (SJ) No. 4946 of 2021)
For the Appellant/s : Mr.Rajeev Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP
(In CRIMINAL APPEAL (SJ) No. 213 of 2022)
For the Appellant/s : Mr.Rajeev Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 18-08-2022

Since all these appeals arise out of Special Case No. 155 of 2020 arising out of Gauri Chak P.S. Case No. 83 of 2020, as such, they have been heard together and are being disposed of by this common judgment.

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

In these cases, notices have been issued to the respondent no.2 but the respondent no.2 refused to receive the notice and the same was tagged on the main gate of his residence.

The notice is deemed to have been validly served on the respondent no.2.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 24.11.2021 passed by the learned Special Judge, SC/ST, Patna, in connection with Special Case No. 155 of 2020 arising out of Gauri Chak P.S. Case No. 83 of 2020, registered for the alleged offences under Sections 147, 148, 149, 109, 448, 341, 323, 302, 201 and 504 of the Indian Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the father of the informant was forbidden by appellant Manik Chand Mahto for fishing in Dardha River and the appellants along with other co-accused persons came to the house of the informant and taking his caste name abused him and assaulted the informant and his mother. They forcibly took away the father of the informant and later on his dead body was found.

The learned counsel for the appellants submits that the appellants have been falsely implicated in this case. No occurrence as alleged has ever been taken place and the allegations are completely concocted. There is no eye-witness to the alleged occurrence. Similarly situated co-accused Mohan Mahto and Devbrat Mahto have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated



02.03.2021 passed in Cr. Appeal (SJ) No. 119 of 2021 and co-accused Awadhesh Mahto has also been granted regular bail by another Co-ordinate Bench of this Court vide order dated 05.01.2021 passed in Cr. Appeal(SJ) No. 2140 of 2020. Appellant Ramji Ram and Sudu Ram are in custody since 25.09.2021 and appellant Manik Chand Mahto is in custody since 09.09.2021 and are having clean antecedent. The charge sheet has already been submitted in this case.

Learned Spl. PP opposes the submission made on behalf of the appellants submitting that there is specific allegation against the appellants in the FIR that they took away the father of the informant and later on his dead body was found.

Having regard to the submissions made hereinabove and considering the fact that there is no eye-witness to the occurrence and further considering the fact about grant of anticipatory bail/regular bail to a number of co-accused persons as already referred hereinabove and also considering the submission of charge sheet and the period of their custody, the appellants above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, SC/ST Act, Patna in connection with Special Case No. 155 of 2020 arising out of Gauri Chak P.S. Case No. 83 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the appellants.

(ii) The appellants will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	22.08.2022
Transmission Date	22.08.2022

