

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1179 of 2021**

Arising Out of PS. Case No.-408 Year-2020 Thana- AKBARPUR District- Nawada

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1. Upendra Singh S/O Ramswaroop Singh R/O Village- Barev Dudhaili, P.S.- Akbarpur, Distt.- Nawada
  2. Rahul Kumar @ Chhotu Singh S/O Upendra Singh @ Upendra R/O Village- Barev Dudhaili, P.S.- Akbarpur, Distt.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Gorelal Manjhi Late Fallu Manjhi At-Azadnagar Dudhaili,P.S.- Akbarpur,District-Nawada

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Niraj Kumar

For the Respondent/s : Mrs. Usha Kumari

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

4      16-11-2022                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance to the order dated 18.10.2022, jointness petition has been filed by the learned counsel for the appellants in which it is stated that the mother and her son (respondent no. 2) are living together.

In view of the aforesaid, the notice issued to the respondent no. 2 is treated to be validly served.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.01.2021, passed by



learned Special Judge (SC/ST Act)-cum-Additional District and Sessions Judge 1<sup>st</sup> Nawada in connection with Akbarpur P.S. Case No. 408 of 2020, registered under Sections 302/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that the similarly situated co-accused has already been granted bail by a Bench of this Court vide order dated 09.07.2021 passed in Cr. APP (SJ) No. 1758 of 2021. He submits that the occurrence is said to have taken place on 11.07.2020 and the father of the informant was admitted in the hospital on 14.07.2020 and he died on 26.07.2020. It has, therefore, argued that assuming that the appellant and others had assaulted the deceased on 11.07.2020, there was no reason for the informant to have waited for the death of his father for lodging this case. Thus, it appears that the subject FIR is only an afterthought and has been brought into existence because of a conspiracy after confabulation. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case and the fact that the similarly situated co-accused has



already been granted bail, let the above named appellants in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Nawada in connection with Akbarpur P.S. Case No. 408 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

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