

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.313 of 2022**

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

1. Sohan Das Son Of Late Bharosi Das R/O Village- Harpur, Hardev, P.S.- Kalyanpur, Dist.- East Champaran
2. Kamlesh Das Son Of Sohan Das R/O Village- Harpur, Hardev, P.S.- Kalyanpur, Dist.- East Champaran
3. Raju Das Son Of Sohan Das R/O Village- Harpur, Hardev, P.S.- Kalyanpur, Dist.- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Faiz Ahmad Faiz Son Of Md. Manjural Haque R/O Village- Bahlolpur, P.S.- Dhaka, Dist.- East Champaran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Madhurendra Kumar, Advocate.  
For the Respondent/s : Mr. Usha Kumari 1, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      30-06-2022      Learned counsel for the Appellants is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Madhurendra Kumar, learned counsel for the Appellants as well as learned Special Public Prosecutor for the State.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 05.01.2022



passed by the learned 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with Kalyanpur P. S. Case No. 287 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332 and 171 F of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of the D.P. Act, Section 131, 134 (b), 135, 135(A) of the Representation of the People Act and Sections 3(1) (r) (s) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that the appellants along with several other accused persons attacked on the polling booth and assaulted the Police personnel brutally. It is also alleged that they damaged the E.V.M. and resorted firing.

Learned counsel appearing on behalf of the Appellants submitted that that there is general and omnibus nature of allegation against all the accused persons including the appellants and only because of the fact that the appellants are supporting the other party, their names have been implicated in this case. It is further submitted that there is no allegation against the appellants that they abused the respondent no. 2 by taking his cast name and as such, no offence under SC/ST made out against them. It is also submitted that, in fact, the appellants



belong to the scheduled caste and therefore, no case under SC/ST (Prevention of Atrocities) Act would be made out against them. It is further submitted that all the appellants are in custody since 04.11.2021, having no criminal antecedent and so far the main accused, namely, Priyanka Sinha is concerned, she has already been granted bail by learned co-ordinate Bench of this Hon'ble Court vide order dated 22.03.2022 passed in Cr. Appeal (SJ) no. 218 of 2022.

On the other hand, learned Special Public Prosecutor for the State opposes the appeal and submits that the appellants are named in the F.I.R.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus nature of allegation against all the appellants in as much as the main accused against whom there was specific allegation, she has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and the appellants having fair antecedent and are in custody since 04.11.2021, let the appellants, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge,



SC/ST Act, East Champaran at Motihari in connection with  
Kalyanpur P. S. Case No. 287 of 2021.

In view of the aforesaid facts and circumstances,  
the impugned order dated 05.01.2022 is hereby set aside and the  
present appeal is allowed.

**(Harish Kumar, J)**

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