

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.441 of 2022

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

Raju Das, Son of Ram Babu Das, Resident of Village- Harpur, Hardas, Police
Station- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Faiz Ahmad Faiz Son Of Md. Manjural Haque Resident Of Village-
Bahlolpur, P.S.- Dhaka, District- East Champaran

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 457 of 2022

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

1. Pradeep Kumar Singh @ Pradeep Kumar @ Bhikhari Singh, Son of Kanhai
Singh, Resident of Village - Pipra Khem , P.S.- Kalyanpur, Distt.- East
Champaran.
2. Firoj Alam, Son of Gaffar Ansari, Resident of Village - Math Jagdishpur,
P.S.- Kalyanpur, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Faiz Ahmad Faiz Son of Md. Manjural Haque Resident of Village -
Bahlolpur, P.s.- Dhaka, Distt.- East Champaran.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 441 of 2022)

For the Appellant/s : Mr.Shashi Bhushan Pandey, Advocate

For the State : Mr.Sadanand Paswan, Spl.P.P.

(In CRIMINAL APPEAL (SJ) No. 457 of 2022)

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

For the State : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2022

Since both the aforesaid appeals arise from

Kalyanpur P.S. Case No.287 of 2021, as such, they have been



heard together and are being disposed of by this common judgment.

It is submitted by learned counsel for the appellants that the instant case has been filed by the Presiding Officer, represented by the State.

Considering the same, no notice is required to be issued upon the informant.

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

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 05.01.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171 of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of D.P. Act, 131, 134B, 135, 135A of R.P. Act and



Sections 3 (i) (r) (s) of SC/ST Act.

Allegedly, the appellants and several other accused persons attacked on the polling booth and assaulted the police personnel brutally. They damaged the EVM and started firing.

Learned counsel for the appellants has submitted that no such occurrence in the manner as alleged ever took place. The appellants have falsely been implicated in the case due to highhandedness of the police. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation against the appellants to abuse the informant by taking caste name, as such, no offence under SC/ST Act is made out against them. The appellants are in custody since 04.11.2021. The main assailant, namely, Priyanka Sinha has already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 22.03.2022 passed in Cr. Appeal (SJ) No.218 of 2022. The several co-accused persons, having similar allegations, have also been granted bail by a coordinate Bench of this Court vide Cr. Appeal (SJ) Nos.267 of 2022, 268 of 2022 and 301 of 2022.

Learned Special PP has opposed the prayer for bail.

Having regard to the submissions made here-in-above and considering the fact that the main assailant has been granted



bail by a coordinate Bench of this Court, let the appellants, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, subject to 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 for 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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.06.2022
Transmission Date	24.06.2022

