

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.417 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MASHRAK District- Saran

Kanhaia Nat, S/o Lootawan Nat, R/o- Vill. - Dumarsan Bangra, P.S.-
Mashrakh, Dist. - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Neeraj Kumar, S/o- Raj Kishore Manjhi, R/o- Village - Dubauli, P.S. -
Panapur, Dist.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar No. 1, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For the Resp. No.2	:	Mr. Abhishek Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-09-2022 Learned counsel for the appellant is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Arun Kumar No.1, learned counsel
appearing on behalf of the appellant, Mr. Abhishek Ranjan,
learned counsel for respondent no.2 and learned Spl. PP for the
State.

The present appeal under Section 14(A)(2) of the
Scheduled Castes/Scheduled Tribes, Prevention of Atrocities
Act, (hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 24.11.2021 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (POA)



Act, Saran in connection with Mashrakh P.S. case no. 193 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per prosecution case, it is alleged that on 10.04.2021, the informant along with his father, who was a Chaukidar of Mashrakh police station, was going on a motorcycle, in the meantime, when they reached near the house of co-accused Marad Nat they saw that accused persons are engaged in loading and unloading of cattle. On protest, accused persons including the appellant assaulted the father of the informant. It is specifically alleged that Raju Mian, who is said to be the driver of the Pick-up Van ran over his Pick-Up Van over the body of his father.

Learned counsel appearing on behalf of the appellant submits that both the appellant as well as informant belong to Scheduled Caste category and as such no case under any of the penal provisions of SC/ST Act is made out against the petitioner. He further submits that there is general and omnibus allegation against all the accused persons, except co-accused Raju Mian, against whom it is alleged that he ran over his Pick-Up Van over



the body of the father of the informant. He next submits that in fact the death has occurred on account of accident and because of animosity, the name of all the family members of the appellant have been implicated in this case. He lastly submits that the appellant is in custody since 10.08.2021, having fair antecedent.

On the other hand, learned counsel for the informant/respondent no.2 submits that the appellant submits that the appellant is one of the members of the gang, who are involved in trafficking of cattles and when the protest was made by the father of the informant, who is Chaukidar of the local police station, he was done to death by all the accused persons.

Learned counsel for the State also opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, as also the fact that the appellant is in custody since 10.08.2021, having fair antecedent, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA)



Act, Saran in connection with Mashrakh P.S. case no. 193 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 24.11.2021 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

uday/-

U			
---	--	--	--

