

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.484 of 2022

Arising Out of PS. Case No.-417 Year-2019 Thana- BIHIA District- Bhojpur

VIKASH PAL S/o Nandu Pal Resident of Vill - Manjhauli, P.S. - Bihiya, Dist.
- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunderwaso Devi Ajay Manghi Village-Manghuli,P.S-Bihiya,District-Bhojpur,Ara

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

In the present case, the appellant seeks bail in
connection with SC/ST Case No. 204/2019 arising out of Bihiya
P.S. Case No. 417 of 2019 registered for the alleged offences
under Sections 341, 323, 448, 379, 307, 504/34 of the Indian
Penal Code but later on Section 302 of the Indian Penal Code
was added and Sections 3(1)(r)(s),3(2)(v)(a), 3(a)(s) of SC/ST
Act.



Allegation against the appellant is that of assaulting the husband of the informant, her brother-in-law and abusing her by her caste name on account of petty dispute over theft of cock of the informant.

Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. No case under the provisions of SC/ST (Prevention of Atrocities) Act is made out against the appellant as there is no allegation that he abused the informant and her husband. Further, there is delay of 18 days in registration of FIR with no explanation for the same. Further, occurrence is stated to have taken place in the house of informant so it is not the case that anything was said in public view. This also rules out the application of the provisions of the SC/ST (Prevention of Atrocities) Act. The learned counsel further submits that other co-accused person Jhunna Yadav has been allowed bail vide order dated 30.6.2021 passed in Cr. Appeal (SJ) No. 2201 of 2021, co-accused persons Singha Yadav and Satish Pal have been allowed bail vide order dated 16.12.2021 passed in Cr. Appeal (SJ) No. 4192 of 2021 and co-accused persons Dhurendra Pal and Ranjan Pal have been allowed bail vide order dated 11.11.2020 passed in Cr. Appeal (SJ) No. 1637 of 2020



by Coordinate Benches of this court. The appellant is in custody since 15.01.2022.

The learned counsel appearing on behalf of the informant opposes the prayer for bail made on behalf of the appellant submitting that due to assault, the husband of the informant has died.

Having regard to the submission made hereinabove and considering the fact that the allegation of assault against this appellant is general and omnibus with other co-accused persons, further considering the delay in lodging the FIR coupled with the fact that similarly situated co-accused persons have been granted bail by Coordinate Benches and the case of the appellant stands of similar footing and also taking into consideration the period of custody, the appellant 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 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No. 204/19 arising out of Bihiya P.S. Case No. 417 of 2019, subject to the following conditions :

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



(ii) The appellant 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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