

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.512 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- PUNAURA District- Sitamarhi

Bigan Thakur @ Bigan Mahto Son of Late Bilat Thakur Resident of Village-
Bhoraha @ Bhorhan, P.S- Riga, Dist- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-06-2022 Heard learned counsel for the appellant and 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 against the refusal of the prayer of the order dated 19.01.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Punaure P.S. Case No. 150 of 2020 registered under Section 147, 148, 149, 188, 341, 342, 353, 323, 307, 332, 333, 279, 270, 504 of the Indian Penal Code and Sections 3(i)(r)(3), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant has been named as accused who had created ruckus when a young girl was died in a road accident.



Even though the case with respect to such accident was reported and the postmortem of the deceased was done but the accused persons including the appellant assaulted the driver of the vehicle.

Learned counsel for the appellant submits that there is general and omnibus allegation against the appellant and other co-accused persons and no specific overt act has been attributed against the appellant. Learned counsel further submits that appellant is in custody since 27.12.2021 having no criminal antecedent and similarly placed eight accused persons have been granted privilege of anticipatory bail vide order dated 16.07.2021 passed in Criminal Appeal (SJ) No. 2517 of 2021 and at the same time one another co-accused has been allowed regular bail vide order dated 27.08.2021 passed in Criminal Appeal (SJ) No. 3308 of 2021.

Learned Special Public Prosecutor for the State has opposed the contention of the learned counsel for the appellant but he has conceded that the similarly placed co-accused persons have been allowed anticipatory bail and regular bail respectively.

Having regard to the submission made hereinabove and considering the fact that the informant is a public servant



and the case has been registered against a number of persons named in the F.I.R. along with 100 unknown with general and omnibus allegations and further considering the fact that other similarly situated co-accused persons have been allowed regular bail/anticipatory bail by the Coordinate Benches of this Court and further considering the period of custody of the appellant, this appeal is allowed. The impugned order dated 19.01.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Punaura P.S. Case No. 150 of 2020 is set aside.

Let the appellant, above named, 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-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Punaura P.S. Case No. 150 of 2020, subject to the following conditions :

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Arun Kumar Jha, J)

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