

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.518 of 2022

Arising Out of PS. Case No.-695 Year-2021 Thana- MAHUA District- Vaishali

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1. Nitesh Kumar @ Nitu Kumar Son Of Anil Kumar Resident Of Village - Parsauniya, P.S.- Mahua, Distt.- Vaishali At Hajipur.
 2. Avinash Kumar Son Of Pavitra Rai @ Jay Prakash Ray Resident Of Village - Parsauniya, P.S.- Mahua, Distt.- Vaishali At Hajipur.
 3. Pankaj Kumar Son Of Ram Lal Rai Resident Of Village - Parsauniya, P.S.- Mahua, Distt.- Vaishali At Hajipur.
 4. Abhijit Rai @ Vicky Kumar S/O Amod Rai @ Amod Kumar Rai Resident Of Village - Parsauniya, P.S.- Mahua, Distt.- Vaishali At Hajipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv Kumar Son Of Late Shiv Charan Ram Resident Of Village - Daudpur, P.O.- Mirjanagar, P.S.- Mahua, Distt.- Vaishali At Hajipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Brajesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-09-2022 The mentioning was made by the learned counsel for the appellants for taking the case out of turn on the ground that the case has been compromised between the informant and the appellants as has been mentioned in the mentioning slip.

Heard learned counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 25.01.2022 passed by the learned Special Judge, SC/ST, Vaishali



at Hajipur in connection with Mahua P. S. Case No.695 of 2021, instituted for the offences under Sections 147, 148, 149, 323, 307, 427, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that accused Vashisth Rai, Mukesh Kumar, Mithlesh Kumar and Kundan Kumar opened fire and thereafter, the other accused persons named in the F.I.R. along with more than 50 unknown persons came armed with lathi, danda, farsa, bhala and rod and uprooted the bricks of the passage of the informant and assaulted and used abusive language.

The learned counsel for the appellants submits that prima facie no offence under the SC/ST (P.O.A.) Act is made out. It is next submitted that though allegation is of opening fire, but no one was injured. It is next submitted that the matter has been compromised.

The learned Special Public Prosecutor opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 25.01.2022 is set-aside.

The appeal stands allowed.



The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Vaishali at Hajipur in connection with Mahua P. S. Case No.695 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

It is pertinent to note here that the learned trial Court before accepting the bail bonds will verify whether the case between the informant and the appellants have been compromised or not. In the event, if it is found that the case has not been compromised, then the present order of anticipatory bail shall not be given effect.

(Satyavrat Verma, J)

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