

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.784 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- BAHADURPUR District- Darbhanga

Bhawani Singh @ Bhawani Pratap Singh, Son of Late Tej Narayan Singh,
Resident of Village and P.O. Ojhaul, P.S.- Bahadurpur, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ratanakar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
For the informant	:	Mrs. Kusum Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 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.

Learned counsel for the appellant seeks permission to make necessary correction in para.1 of the memo of appeal during the course of the day.

Permission is accorded.

Heard Mr. Ratnakar Jha, learned counsel appearing on behalf of the appellant, Mrs. Kusum Rani, learned counsel for informant 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 17.02.2020 passed by learned 3rd Additional Sessions Judge-cum- Exclusive Special Judge, SC/ST Act, Darbhanga in connection with SC/ST/ G.R. case no. 19 of 2021, arising out of Bahadurpur P.S. case no. 29 of 2021 registered for the offences punishable under Sections 323, 324, 341, 307, 147, 148, 149, 504, 506, 436 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(iv) 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 13.01.2021 when the informant opened his shop, co-accused Kundan Singh came at his shop for repairing his mobile and thereafter some altercation has taken place, thereupon all the F.I.R. named accused persons including the appellant assaulted and abused the informant. It is further alleged that co-accused Anil Singh ransacked the shop and accused persons also burnt two laptops and other valuables.

Learned counsel for the appellant submits that there is specific allegation against the co-accused Anil Singh, who burnt the valuables of the shop of the informant and there is no specific allegation of any overt act against this appellant, except the members of the mob. It is next submitted that the co-



accused, against whom specific allegation has been levelled has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 2934 of 2021 vide order dated 01.09.2021, the copy of which has been annexed as Annexure-3 to this memo of appeal. It is next submitted that this appellant is in custody since 02.02.2022 and the investigation of the present crime is already concluded and the charge-sheet has been submitted. It is lastly submitted that during the pendency of the appeal both the parties have compromised the matter, as they do not want to proceed any further.

On the other hand, learned counsel appearing on behalf of informant has not controverted the submissions made on behalf of the learned counsel for the appellant and further placed before this Court a joint compromise petition entered into between the parties, a copy of which has been produced before this Court and the same is kept on record.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation inasmuch as the fact that co-accused, against whom there was specific allegation, has already been granted bail by a learned coordinate Bench of this Court and moreover this appellant is in custody since 02.02.2022, let the appellant, named above, be



released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Darbhanga in connection with SC/ST/G.R. case no. 19 of 2021, arising out of Bahadurpur P.S. case no. 29 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

Accordingly the impugned order dated 17.02.2020 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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