

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.834 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- BRAHMPUR District- Buxar

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1. Manrika Singh @ Mundrika Singh Son Of Late Raghunath Singh R/O Village- Gayghat, P.O.- Baghauch, P.S.- Haldi, District- Balia (Uttar Pradesh)
 2. Vishal Yadav Son Of Krishna Kumar Yadav R/O Village- Gayghat, P.O.- Baghauch, P.S.- Haldi, District- Balia (Uttar Pradesh)

... .. Appellant/s

Versus

1. The State of Bihar
2. Jatul Paswan Son Of Devraj Paswan R/O Village- Chhotki Nainijore, P.S.- Nainijore, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jeetendra Narayan, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP.
For the Respondent No.2:	:	None

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-10-2022 Learned counsel for the appellants is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jeetendra Narayan, learned counsel appearing on behalf of the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

Despite valid service of notice, none appears on behalf of the respondent No.2.

The present appeal under Section 14(A) (2) of the Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,



(hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 15.02.2022, passed by learned Additional District & Sessions Judge 1st -cum-Special Court SC/ST Act, Buxar, in connection with Brahmpur (Nainijor) case no. 31 of 2022, registered for the offences punishable under Sections 147, 148, 149, 504 and 307 of the Indian Penal Code and Sections 2(i)(r)(s), 3(a)(s) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellants have been rejected.

As per prosecution case is based on written report filed by the respondent No.2, alleging therein that on 16.01.2022, while he was cutting grass, in the meantime the accused persons, namely, Manrika Singh, Pintu singh and Vishal Yadav, reached there and objected for cutting of grass and started abusing by taking his caste name. It is also alleged that appellants assaulted him by means of Farsa, due to which, he received injuries over his neck and scalp.

Learned counsel for the appellants submits that instant case has been lodged on account of a civil dispute running between the parties for a piece of land, whereupon a proceedings under Section 144 of the Cr.P.C., was initiated by order dated 08.12.2006. He further submits that though there is



allegation that both the appellants assaulted the informant over his neck and scalp, however, the injuries have been found to be simple in nature. He also submits that co-accused Pintu Singh @ Pawan Singh, having identical allegation has already been allowed the privilege of bail by this court in Cr. Appl. (SJ) No. 1614 of 2022, vide order dated 29.09.2022 and so far as the appellants are concerned, they are having fair antecedent, are in custody since 05.02.2022 and 27.01.2022, respectively.

Learned Special P.P. has also vehemently opposed the prayer of the appellants and submits that specific allegation has been leveled against the appellants that they assaulted by means of Farsa, over the neck and scalp of the informant.

Regard being had to the submissions made on behalf of the parties and taking into account the simple nature of injuries as well as the fact that co-accused having identical allegation have been allowed the privilege of bail, let the appellants named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- 1st -cum-Special Judge, SC/ST Act, Buxar, in connection with Brahmpur (Nainijor) case no. 31 of 2022, subject to the condition that one of the bailors



will be the close relatives of the appellants with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

Accordingly the impugned order dated 15.02.2022, is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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