

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1002 of 2022**

Arising Out of PS. Case No.-34 Year-2021 Thana- ALINAGAR District- Darbhanga

Rambharos Jha @ Rambharosi Jha, Son of Late Shresht Narayan Jha,
Resident of Village - Nabharpatti, P.S.- Alinagar, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramila Devi, Wife of Kharbehar Sada, Resident of village-Nabharpatti,
P.S.-Alinagar, Dist- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sameer Ranjan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 01-09-2022

As per office notes, it appears that the acknowledgment of registered notice has been received and it appears that the respondent no.2 has received the notice. But no one is present on behalf of the respondent no.2 and the matter has been put up for hearing.

Heard learned counsel for the appellant, learned counsel for the State.

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

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 03.01.2022



passed by learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 80 of 2021 arising out of Alinagar P.S. Case No. 34 of 2021 registered for the alleged offences under Sections 147, 148, 149, 448, 323, 354B, 436, 506, 379 and 506 of the Indian Penal Code and Sections 3(1)/ 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, co-accused persons came to the house of the informant and started searching for her husband, brother-in-law and others. When informant objected, they started abusing her and co-accused persons set the house of the informant on fire and other co-accused persons also started setting the houses of neighbours of the informant on fire. The informant has further alleged that this appellant and other co-accused persons armed with *lathi* and *danda* came to her house and whatever portion of the house remained, they set it on fire.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. This case has been lodged as counter blast of Alinagar P.S. Case No. 30 of 2021, wherein the family members of the informant are accused, who assaulted the brother of co-accused Harishchandra Jha, who was referred to DMCH and thereafter to Patna due to his serious condition. The learned counsel for the appellant further submits that no occurrence as alleged has ever taken place and the name of the



appellant has been added at the end only due to his relationship with the persons who are victims in Alinagar P.S. Case No. 34 of 2021. A number of co-accused persons have been granted anticipatory bail as well as regular bail by different Co-ordinate Benches and the case of the appellant is on similar footing. Details of grant of bail to other co-accused persons are as follows:-

Sunil Kumar Jha @ Sunil Jha, Phulkant Jha and Srikrishna Jha @ Krishnakant Jha have been granted bail vide order dated 08.10.2021 passed in Cr. Appeal (SJ) No. 3856 of 2021. Kari Jha @ Dev Narayan Jha has been granted bail vide order dated 26.08.2021 passed in Cr. Appeal (SJ) No. 3259 of 2021. Hare Kant Jha @ Lal Bihari Jha and Mahesh Jha have been granted bail vide order dated 10.01.2022 passed in Cr. Appeal (SJ) No. 3650 of 2021.

The learned counsel further submits that there is one case of similar nature against this appellant but the same is false and concocted and he has already been granted bail in that case. The learned counsel further submits that the son of this appellant has died in Mumbai while undergoing treatment for cancer on 23.08.2022 and the appellant needs to attend the last rites of his son. The appellant is in custody since 18.12.2021 and charge-sheet has been submitted.

Learned Spl. PP opposes the prayer for bail.

Having regard to the facts and circumstances and considering the counter case which is earlier in time and further considering the possibility of false implication of the appellant along



with grant of bail to other similarly placed co-accused persons and period of custody of this appellant, he 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 3rd Additional Sessions Judge-cum- Exclusive Special Judge SC/ST (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 80 of 2021 arising out of Alinagar P.S. Case No. 34 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.09.2022
Transmission Date	01.09.2022

