

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1304 of 2022**

Arising Out of PS. Case No.-12 Year-2017 Thana- SAMHO District- Begusarai

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Sukesh Singh @ Sukesh Choudhary @ Mukesh Choudhary @ Mukesh Singh
Son Of Late Suresh Choudhary Resident Of Village - Nandpur, P.S.-
Suryagarha, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saduli Paswan Son of Late Bhuvneshwar Paswan Resident of Village -
Akaha Kurha, P.s.- Shamho, Distt.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vaishnavi Singh Adv
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-09-2022 Heard Mrs. Vaishnavi Singh, learned counsel for the

appellant as well as learned Special Public Prosecutor for the

State.

Earlier notice was issued under both the process.

However, from the process server report, it appears that the

notice has been received by the son of respondent no. 2. but

none appears on behalf of the respondent no. 2.

The present appeal under Section 14(a) (2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, (hereinafter referred to as the SC/ST) Act

preferred against the order dated 22.03.2022 passed by the

learned Excise Special Judge, Begusarai SC/ST (POA)Act, in



connection with Samho P.S.Case No. 12 of 2017 instituted for the offence under Sections 447, 341, 342, 323, 504, 506/34 of the Indian Penal Code and section 3(1)(v)(x) of the SC/ST (POA) Act , whereby prayer for bail of the appellant has been rejected.

The prosecution case is based on a written report alleging therein that on 28.05.2017 while the informant was cultivating his land, all the accused persons armed with lathi, Danda, pistol and gun came there and assaulted and abused him by taking his casts name.

Learned counsel for the appellant submits that there was land dispute between the parties over a piece of land on which the informant is claiming his possession. There is general and omnibus nature of allegation against all the accused persons including the appellant and considering the aforementioned aspect four accused persons have been allowed bail in Cr. Appeal (SJ) No. 1380 of 2020 vide order dated 04.01.2021 and Cr. Appeal (SJ) No. 2270 of 2021 vide order dated 21.06.2021, apart from the other order passed by the different Benches of this Court. She next submits that so far as the appellant is concerned, he is in custody since 07.03.2022 and moreover, the investigation of the crime is already complete and the charge



sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application but does not confront the order passed by the different Benches of this Court in identical matters.

Regard being had to the submission made on behalf of the parties and considering the fact that other co-accused persons having identical allegation have allowed bail and the appellant is in custody for more than six months, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge,(SC/ST) Act, Begusarai in connection with Samho P.S.Case No. 12 of 2017, subject to the condition that one of the bailors will be the close relatives 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. .

Accordingly, the impugned order dated 22.03.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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