

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1489 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Sintu Sah @ Sintu Kumar, S/o Bhagwan Sah Resident of Village- Rakharpur,
P.S.- Pirpainti, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basudeo Mandal S/o Late Sitaram Mandal R/o Village- Rakharpur, P.S.-
Pirpainti, District- Bhagalpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1501 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- PIRPAINTI District- Bhagalpur

1. Arbind Das @ Arbind Kumar Gupta @ Arbind Gupta, S/o Bhagwan Sah
Resident of Village- Bakharpur, P.S.- Pirpainti, District- Bhagalpur
2. Sanjeev Sah @ Sanjeev Sahu @ Sanjiv Gupta, S/o Ramawtar Sah Resident
of Village- Bakharpur, P.S.- Pirpainti District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Basudeo Mandal S/o Late Sitaram Mandal Resident of Village- Bakharpur,
P.S.- Pirpainti, District- Bhagalpur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1489 of 2022)

For the Appellant/s	:	Mr.Anupa Nand Jha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Anil Kumar Tiwary, Advocate

(In CRIMINAL APPEAL (SJ) No. 1501 of 2022)

For the Appellant/s	:	Mr.Anupa Nand Jha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Anil Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-09-2022

Since both the cases arise out of Pirpainti (Bakharpur)

P.S. Case No. 152 of 2021 as such, they have been heard together and are being disposed of by this common judgment.

Heard learned counsel for the appellants and learned APP 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 vide order dated 12.07.2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Pirpanti (Bakharpur) P.S. Case No. 152 of 2021 registered for the alleged offences under Sections 147, 149, 341, 323, 324, 307, 406 and 420 of the Indian Penal Code and Sections 3(i) (v) of the Scheduled Castes and Scheduled Tribes Act.

As per prosecution case, the appellants and other co-accused persons assaulted the informant with *hasua, rod, lathi and danda*. When the brother of the informant tried to rescue him, he was also assaulted and one of his finger was severed from his hand. The occurrence took place in the back ground

that the appellants were required to make payment of Rs. 10,5,469/- to the informant and they did not want to pay the money due to the informant.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. This case has been filed only to pressurize the appellant for making the payment and no occurrence as alleged has ever taken place. The F.I.R. has been registered after much delay and there is no explanation for the same. Altogether eight persons have been made accused in this case and five of them have been granted bail by the learned trial court. Further, the matter has been compromised and there remains no dispute between the parties. The appellant Sintu Sah is in custody since 23.11.2021 and other appellants namely Arbind Das and Sanjeev Sah are in custody since 21.01.2022. Charge sheet has been submitted in this case and the appellants have got no criminal history.

Learned APP for the State and learned counsel appearing on behalf of the informant oppose the prayer for bail of the appellants. However, the learned counsel for the informant submits that the informant has received all the payments and he has entered into a settlement with the appellants and does not want to pursue the case any further. He

further submits that counter affidavit on behalf of the informant has been filed on record and copy has been given to the learned counsel for the appellants.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering submission of charge sheet along with period of custody of the appellants and they are having no criminal history, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions -cum-Special Judge of SC/ST, Bhagalpur in connection with Pirpainti (Bakharpur) P.S. Case No. 152 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants 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 appellants will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2022
Transmission Date	17.09.2022