

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1460 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- HALSI District- Lakhisarai

Bachhu Ram, Son of Chamari Ram R/O Village- Nandnama, P.S.-
Ramgarhchowk, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Tanti, S/O Sado Tanti, Resident of Village- Nandnama, P.S.-
Ramgarhchowk, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amrendra Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Kumar Gaurav, Advocate
		Mr. Saroj Kumar, Advocate

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

Date : 22-09-2022

Heard learned counsel for the appellant 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
05.04.2022 passed by the learned Additional District Judge 1st
-cum-Special Judge, Lakhisarai in connection with Halsi
(Ramgarhchowk) P.S. Case No. 02 of 2022 registered for the
alleged offences under Sections 341, 379, 307 and 34 of the Indian



Penal Code and Section 27 of the Arms Act and Sections 3(1) (r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other named co-accused persons apart from three unknown persons abused and assaulted the informant and shot at him. When the brother of the informant tried to save him he was also shot at. The occurrence took place in the background of land dispute.

Learned counsel for the appellant submits that no occurrence as alleged has ever taken place. The appellant has been falsely implicated in this case due to enmity just to harass and humiliate him. There is no specific allegation against the appellant that he opened fire. The said allegation is general and omnibus against all the accused persons. There is no medical report showing injury to the informant and only one injury has been found on the leg of the brother of the informant. So, the claim of the informant about receiving injury on his person is falsified. The occurrence took place at the house of the informant and hence, there could be no public view and there could be no application of the SC/ST (Prevention of Atrocities) Act. Land dispute is admitted in the F.I.R itself and for this reason, appellant has been falsely implicated. Even the allegation of abusing is general and omnibus against all accused persons apart from other allegation of



snatching gold chain and money from the informant. Similarly situated co-accused Sunil Ram has been granted anticipatory bail by a Coordinate Bench vide order dated 30.08.2022 passed in Cr. Appeal (SJ) No. 647 of 2022. Charge sheet has been submitted in this case and the appellant is in custody since.11.02.2022. The appellant is having clean antecedent.

Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail made on behalf of the appellant. Learned counsel for the informant/respondent no. 2 submits that the appellant abused the informant by taking his caste name. However, he concedes that allegation of opening fire against co-accused as it appears from the paragraph 16 and 19 of the case diary.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general and vague nature of allegation against the appellant without any specific overt act being attributed to him and also considering his period of custody along with submission of charge sheet and his clean antecedent, the appellant above named 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 Additional District Judge 1st



-cum-Special Judge, Lakhisarai in connection with Halsi (Ramgarhchowk) P.S. Case No. 02 of 2022, 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 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 stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2022
Transmission Date	26.09.2022

