

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1599 of 2022**

Arising Out of PS. Case No.-806 Year-2020 Thana- SONEPUR District- Saran

PRABHAS CHANDRA SAH @ PRABHAS CHANDRA GUPTA S/o Late  
Vishwanath Gupta R/o village- Pahleza Shahpur Diyara, P.S.- Sonpur,  
District- Chapra (Saran)

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/o Ranvijay Kumar R/o village- Pahleza Shahpur Diyara,  
P.S.- Sonpur, District- Chapra (Saran)

... .. Respondent/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Appellant/s      | : | Mr. Anuj Kumar, Advocate.     |
| For the Respondent/s     | : | Mr. Sadanand Paswan, Spl.P.P. |
| For the Respondent No.2: | : | Mr. Gautam, Advocate.         |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
ORAL ORDER

3      29-09-2022              Learned counsel for the Appellant is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the Appellant, Mr. Gautam, learned counsel for the respondent no. 2 as well as learned Special Public Prosecutor for the State.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 20.04.2022 passed by the learned Additional District and Sessions Judge- III-cum-Special Judge SC/ST Act, Saran



Chapra in connection with Sonpur P. S. Case No. 806 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 379, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 09.11.2020, twenty two persons and 50-60 unknown persons including the appellant surrounded the house of the respondent no. 2 and the appellant ordered them to kill, whereupon all the F.I.R. named accused persons and unknown persons started firing and pelting stones to the house of the respondent no. 2. It is also alleged that the appellant pelted stone due to which uncle of the respondent no. 2 sustained head injury. It is further alleged that co-accused persons also looted some articles and destroyed other things.

Learned counsel appearing on behalf of the appellant submitted that from the tenor of the F.I.R., it would be evident that the F.I.R. has been instituted against 22 persons and 50-60 unknown persons with general and omnibus allegation, however, the appellant being neighbour of the respondent no. 2, his name has been implicated in this case with some specific allegation to the extent of pelting stone, however,



no such occurrence has taken place. It is also submitted that so far the injury, which sustained on the head of the uncle of the respondent no. 2 is concerned, the same is found to be simple in nature. It is further submitted that now both the parties have compromised the matter and they do not want to proceed any further. It is next submitted that the appellant is in custody since 07.03.2022 and after completion of the investigation, charge sheet has been submitted.

On the other hand, learned counsel for the informant as well as learned Spl.P.P. for the State opposed the prayer for bail of the appellant, however, they do not confront the submissions made on behalf of the learned counsel for the appellant that the injuries sustained on the head of the uncle of the respondent no. 2 has been found to be simple in nature.

Regard being had to the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from injuries, sustained on the head of the uncle of the respondent no. 2, is found to be simple in nature and the period of incarceration for more than six months, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge- III-cum-Special Judge SC/ST Act, Saran Chapra in connection with Sonpur P. S. Case No. 806 of 2020, subject to the condition that one of the bailors will be the close relative 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.
- (v) The Court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not



be delayed for purpose of or in the name of  
verification.

In view of the aforesaid fact, the impugned order  
dated 20.04.2022 is hereby set aside and the present appeal is  
allowed.

**(Harish Kumar, J)**

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