

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1632 of 2022**

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

Vikki Singh @ Vikki Kumar, S/o Ashok Singh R/o village- Nandpur, P.S.-
Suryagarha, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Saduli Paswan, S/o Late Bhuvneshwar Paswan R/o Village- Akaha Kurha,
P.S.- Samho, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Jitendra Narain Sinha, learned counsel appearing on behalf of the appellant and Mr. Binay Krishna, learned Spl. PP for the State.

Earlier notice was issued to respondent no.2 under both process. However, from the process server report, it appears that the notice has been received by the brother of respondent no.2 and, as such, in compliance of order dated 22.09.2022, a petition for jointness has been filed on behalf of appellant. None appears on behalf of the respondent no.2.



The present appeal under Section 14(A) (2) of the Scheduled Caste/Scheduled Tribe, Prevention of Atrocities Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 02.04.2022 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Samho P.S. case no. 12 of 2017 (C.I.S. No. 21312 of 2017) registered for the offences punishable under Sections 447, 341, 342, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(v), (x) of the SC/ST (POA) Act whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report alleging therein that on 25.05.2017 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 caste 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 from purcha. 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 other order passed by the different Benches of this Court. He next submits that so far as the appellant is concerned, he is in custody since 28.01.2020 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 opposes the bail application but does not unable to confront the order passed by the different learned coordinate 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 already been granted bail and the appellant is in custody for more than two and half years, 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 Exclusive 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 02.04.2022 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

