

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1713 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- SABAUR District- Bhagalpur

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Ram Swarup Singh, Son of Late Ganeshi Singh @ Ganeshi mandal Resident
of village - Swarup Chak, P.S. - Sabaur (Goradih), District - Bhagalpur, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhakshi Devi @ Akshi Devi wife of Hual Das Resident of village-
Sarupchak, P.S.- Goradih, Dist-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Aditya Nath Pandey, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP

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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.

Notice has in order to issue to respondent no. 2
through both modes and the office notes shows notice has
validly been served upon respondent no. 2.

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 01.04.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 232 of 2021, Special SC/ST Case No. 145 of 2021 registered for the alleged offences under Sections 341, 325, 307, 447, 504, 506 and 34 of the Indian Penal Code and Sections 3(1) (r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, while the informant was cutting grass, the appellant and other co-accused persons forbade him for doing so and when the informant replied back to them, they abused and assaulted her. When the informant returned to her house, the appellant and other co-accused persons came to his house and co-accused hit her on hand with rod causing fracture of it. Same co-accused also assaulted the son of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. For the same occurrence, the wife of the appellant has registered Sabour (Goradih) P.S. Case No. 233 of 2021 and the case of the informant is counter blast. The appellant is 70 years old person and there is no specific allegation against him except



general and omnibus allegation of abusing the informant by taking her caste name but the same was not in public view. Charge sheet has been submitted in this case and the appellant is in custody since 06.01.2022.

Learned APP for the State opposes the prayer for bail of the appellant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against the appellant which is quite general and vague without attributing any serious and specific act against this appellant, 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 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 232 of 2021, in Special SC/ST Case No. 145 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 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

