

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1902 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- MADANPUR District- Aurangabad

1. PANKAJ KUMAR SINGH S/o Late Baban Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
2. Pawan Kumar Singh @ Pawan Singh @ Babu S/o Late Baban Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
3. Sharan Singh S/o Late Baban Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
4. Basant Singh S/o Late Kedar Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
5. Gudar Singh S/o Late Shivalak Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
6. Ajit Singh S/o Late Shivalak Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
7. Neyaju Singh S/o Late Shivalak Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
8. Pappu Kumar Singh S/o Late Bilash Singh @ Late Suresh Singh Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
9. sanoj Kumar S/o Surdeo Prasad Resident of Village- Devjara, P.S.- Madanpur, District- Aurangabad (Bihar)
10. Ankit Singh S/o Raghubansh Singh Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
11. Chhotu Kumar S/o Ramdhyan Singh Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
12. Vicky Kumar S/o Jairam Singh Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
13. Sonu Kumar Mehta S/o Krishna Mahto Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
14. Ravikaumar Mehta S/o Gopal Sharan Verma Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
15. Ravi Kumar S/o Om Mehta Resident of Village- Aat, P.S.- Madanpur, District- Aurangabad (Bihar)
16. Dinesh Singh S/o Haridwar Singh Resident of Village Mokheta, P.S.- Madanpur, District- Aurangabad (Bihar)
17. Sanjay Kumar S/o Raghvansh Singh Resident of Village- Manika, P.S.- Madanpur, District- Aurangabad (Bihar)
18. Mantu Singh S/o Jadu Singh Resident of Village- Mokheta, P.S.- Madanpur, District- Aurangabad (Bihar)
19. Jai Singh S/o Mitar Singh Resident of Village- Mokheta, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Appellant/s



Versus

1. The State of Bihar
2. Surendra Ram S/o Bhola Ram Resident of Village- Aant, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Leelawati Kumari, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP
For the Informant : Mr. Birendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl.P.P. 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 **anticipatory bail** vide order dated 17.01.2022 in ABP No. 49 of 2022 passed by the learned Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Madanpur P.S. Case No. 340 of 2021 registered under Sections 147, 148, 149, 341, 323, 307, 427 and 354 of the Indian Penal Code, Section 27 of Arms Act, 1959 and Section 3(1)(r), 3(1)(s), 3(2)(xiv) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that the appellant nos. 1 to 5 have antecedent of one case and appellant



nos. 6 to 19 are persons with clean antecedent, the learned counsel further submits that the antecedent of appellant nos. 1 to 5 arises from the present proceedings itself, it is next submitted that the informant alleges that on 15.11.2021, the named accused persons, including the appellants, came at the polling booth and assaulted the named persons as detailed in the FIR, further the informant named 18 accused who assaulted, including the appellant, with an intention to capture booth, further Dinesh, Mantu and Jai Singh assisted the assaulted and Jai Singh fired upon Shobha Devi, the Mukhiya candidate, and Pankaj Singh set ablaze his own car and fled way, further alleges that car and the bike of Sukhdev Ram parked in front of his house were damaged by the residents of Devraj village in presence of police and female schedule caste members were injured, it is also alleged that the police helped the accused persons.

Learned counsel for the appellants submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature, it is also submitted that merely because a case has been instituted under the SC/ST Act that in itself does not attract the provision until and unless the allegations as alleged in the FIR



also prima-facie make out a case. Learned counsel next submits that from perusal of the allegations as alleged in the FIR, it would manifest that the informant though alleges that assault was committed but then no injury report has been brought on record, it is also submitted that as far as allegation of firing is alleged the same is ornamental in nature as Shobha Devi did not receive any fire-arm injury. Learned counsel for the appellants thus submits that the learned court of Additional District and Sessions Judge-cum-Special Judge SC/ST Aurangabad in a mechanical manner without appreciating the facts of the case, rejected the bail application only on the ground that the case has been instituted under the SC/ST Act.

Learned Spl.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellants, but are not in a position to rebut the submissions of the learned counsel for the appellants that the allegations are general and omnibus in nature.

Considering the submissions made by the learned counsel for the appellants, the order dated 17.01.2022 in ABP No. 49 of 2022 passed by the learned Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Madanpur P.S. Case No. 340 of



2021 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madanpur P.S. Case No. 340 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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