

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2307 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- PURNEA SADAR District- Purnia

Ramesh Singh, Son of Bramhdeo Singh, Resident of Village - Srinagar, Pir
Asthan, P.S.- Mufassil, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pano Devi, Wife of Raghunath Rishi, Resident of Village - Srinagar, Pir
Asthan, P.S.- Mufassil, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar Agrawal, Advocate
For the State	:	Mr.Binay Krishna, Spl. PP
For the Informant	:	Mr.Nadimul Hasan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 29-09-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the informant.

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 by
order dated 08.06.2022 passed by the Court of learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Purnea in connection with Muffasil P.S. Case No. 202 of 2022,
registered for the alleged offences under Sections 341, 323 and



354(B) of the Indian Penal Code and Section 3 (i) (s) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the informant is a care taker of the 'Majar' and when that 'Majar' was to be shifted due to widening of the road, the appellant and other co-accused persons opposed its shifting to a particular place and when the informant requested them for installation of a hand-pump, they abused and assaulted her with slaps and fists and due to this assault she became half-naked.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case due to mala fide intention to grab his land. The falsity of allegation is evident from the fact that the informant claims that the appellant did not appear for Panchayati but the appellant and other co-accused persons appeared in the Panchayati on 21.03.2022 and it was agreed by the parties that the construction of 'Majar' will be decided on toss of the coin and whosoever would win the toss, he will construct the 'Majar'. The appellant side won the toss causing annoyance to the informant and due to this fact the present case was lodged on 24.03.2022. It has further been submitted that a public petition filed by 100 villagers was also submitted before the Deputy S.P. regarding false implication of



appellant. The appellant is in custody since 26.05.2022 and the charge sheet in this case has been submitted. The Appellant is having clean antecedent.

Learned Spl.PP as well as learned counsel appearing for the informant/respondent no.2 opposes the prayer for bail. It has been submitted by the learned counsel for the informant that the appellant and other co-accused persons assaulted the informant and tore her cloths and hurled abuses taking her caste name.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation along with possibility of false implication of the appellant and further considering the clean antecedent of the appellant along with his period custody and submission of charge sheet, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Sadar Muffasil P.S. Case No. 202 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 is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.10.2022
Transmission Date	01.10.2022

