

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2332 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- AMNAUR District- Saran

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1. Omkar Nath Singh Son of Dinanath Singh Resident of Village - Gosi Amour, P.S.- Amnour, District - Saran at Chapra.
 2. Om Prabhat Singh Son of Dinanath Singh Resident of Village - Gosi Amour, P.S.- Amnour, District - Saran at Chapra.
 3. Prince Singh @ Sadashiv Singh Son of Dinanath Singh Resident of Village - Gosi Amour, P.S.- Amnour, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamita Kumari Wife of Manoj Ram Resident of Village -Amour Kalyan, P.S.- Amnour, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellants and learned Spl.P.P. for the State. Learned counsel for the informant appeared through vakalatnama but was not present in the Court proceeding.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory



bail by order dated 22.06.2022 in A.B.P. No. 362 of 2022 passed by the learned Additional Sessions Judge 3rd-cum-Special Judge, (SC/ST) Act, Court Saran in connection with Amnour P.S. Case No. 332 of 2021 registered under Sections 147, 149, 323, 335, 504 and 34 of the Indian Penal Code as well as under Sections 3(i)(g)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

According to prosecution case, Mamita Kumari belongs to Schedule Caste community. In Panchayat election 2021, Seema Devi wife of Omkarnath Singh is one of the candidate in the said election, but she was not successful in Mukhiya election. All accused persons named in the FIR along with appellant and unknown 15 others are muscles man. All of them came four days prior to the occurrence and gave threatening to all male and female of scheduled caste community that they did not cast vote in their favour due to which Seema Devi Mukhiya candidate was defeated hence you all would have to face its consequences. On 17.12.2021 at 1 P.M. persons came with JCB and dug-ditch in Government channel which was used by the members of schedule caste as road. The informant



side made their protest and opposing them and also from digging-ditching, then all accused persons scuffle on male and female of the society. The accused persons also set fire in the bundle of paddy crops and bhusaul due to which they have got heavy loss. All accused persons abused them with calling caste name. They have also gave threatening that they will set fire in their houses also.

Learned counsel for the Appellants submits that Appellant Nos. 1 and 2 carry one criminal antecedent and Appellant No. 3 has clean antecedent. He further submits that the present FIR has been instituted due to Panchayat Election and it is admitted fact that there is land dispute between the parties and it appears from the FIR that there is general and omnibus allegation against all the accused persons including these appellants and there is no case made out under the SC/ST Act.

The learned Spl.P.P. for the State on the other hand has vehemently opposed the prayer for anticipatory bail of the appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the



provisions of Schedule Castes and Scheduled Tribes Act is made out.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the Amnour P.S. Case No. 332 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the appellants. 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.

Accordingly, the impugned order dated 22.06.2022 passed in A.B.P. No. 362 of 2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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