

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3398 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- DARAUNDA District- Siwan

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HIRA PANDIT @ HIRA LAL PANDIT S/O LATE DHANAI PANDIT R/o  
village- Bal Bangra, P.S.- Darauda, District- Siwan

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Subhawati devi Basist Sah Village-Bal Bangra,P.S-Daraunda,District-Siwan

... .. Respondent/s

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with

**CRIMINAL APPEAL (SJ) No. 3413 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- DARAUNDA District- Siwan

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MANISH SINGH @ MANISH KUMAR Son of Ashok Singh Resident of  
Village - Takkipur, P.s.- Maharajganj, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhawati Devi Bashisth Sah Resident of Village- Bal Bangra, P.S.-  
Daraunda, Dist.- Siwan

... .. Respondent/s

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**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 3398 of 2021)

For the Appellant/s : Mr.Vyas Kumar Mishra, Adv.

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

Mr.Udit Narayan Singh, Adv.

Mr.Gajendra Kumar Singh, Adv.

(In CRIMINAL APPEAL (SJ) No. 3413 of 2021)

For the Appellant/s : Mr.Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

Mr.Udit Narayan Singh, Adv.

Mr.Gajendra Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

8      13-04-2022      Heard the parties.

These appeals are under section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.07.2021 passed by learned Additional District & Sessions Judge -1<sup>st</sup> cum- Special Judge (SC/ST), Gopalganj (in Cr. Appeal SJ No.3398 of 2021) and vide order dated 09.07.2021, passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan (in Cr. Appeal SJ No.3413 of 2021), in connection with Daurada P.S. Case No.60/2021, registered under sections 341, 323, 307, 379, 504/34 of the IPC and sections 3(i)(r)(s) of the SC and ST (Prevention of Atrocities) Act.

The allegation against the appellants is that they under a conspiracy took the informant's husband to a deserted place and snatched cash, his mobile phone and brutally assaulted him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged has ever taken place. Appellants has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature and the injuries are grievous in nature. There is an inordinate delay of two months and twenty two days in lodging the FIR, which creates doubt about the prosecution case. The appellants are languishing in



custody since 28.06.2021 and have no criminal antecedents.

By way of filing a supplementary affidavit, it is stated that the charge has been framed against the appellants.

In the facts and circumstance of the case, since charge has been framed, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge -1<sup>st</sup> cum- Special Judge (SC/ST), Gopalganj (in Cr. Appeal SJ No.3398 of 2021) and learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan (in Cr. Appeal SJ No.3413 of 2021), both in connection with Daurada P.S. Case No.60/2021.

The impugned orders of both the appeals are set aside and the appeals are allowed.

**(Anjani Kumar Sharan, J)**

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