

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2516 of 2022**

Arising Out of PS. Case No.-155 Year-2022 Thana- LAURIA District- West Champaran

1. Manager Lal S/O Late Ramayan Lal Resident of Village- Barwa, P.S.- Lauriya, District- West Champaran at Bettiah.
2. Bablu Lal S/O Manager Lal Resident of Village- Barwa, P.S.- Lauriya, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sandeep Kumar Son of Toofani Gond R/o vill- Khap Tola, Barwa, P.S.- Lauriya, Dist- West Champaran at Bettiah

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashank Shekhar, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

The present appeal has been preferred 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 04.07.2022 passed by the Learned
Addl. District and Sessions Judge-I- cum- Spl Judge, SC/ST
(Prevention of Atrocities) Act, Bettiah, West Champaran, in
connection with Lauriya P.S. Case No. 155 of 2022, for the

alleged offence under Sections 341, 342, 323, 307, 379, 34 of the I.P.C. read with Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution case, the informant has provided loan of Rs.1,50,000/- to appellant No.2 when the informant started demanding money from him then instead of returning money, they started assaulting and caused injury on the body of the informant due to which the informant was admitted to hospital and due to his injury, he was referred to Bettiah Medical College and Hospital where the present F.I.R. has been lodged.

Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Learned counsel for the appellants further submits that after reading the entire contents of the F.I.R., it become crystal clear that no offence under SC/ST Act has been made out. Learned counsel submits that antecedent of the appellants are clean and they are in custody since 21.05.2022 without constitution of any case under SC/ST Act. Charge sheet has already been framed in this appeal.

Learned counsel for the informant opposes the prayer for bail and submits that bail may be granted only after refunding of

Rs.1,50,000/- to the informant. Learned counsel also submits that antecedent of the appellants are clean.

In the present facts and circumstances of the case and the submissions made above, let the appellants above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-I-cum- Special Judge, SC/ST(Prevention of Atrocities) Act, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 155 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 04.07.2022 passed by the Learned Addl. District and Sessions Judge-I- cum- Spl Judge, SC/ST (Prevention of Atrocities) Act, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 155 of 2022 is hereby set aside.

With this observation, this appeal stands allowed.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	