

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2639 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Aurangabad

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1. Jairam Mahto, Son of Jagdip Mahto, Resident of village- Ahiyapur, P.S-Haspura, Dist- Aurangabad
 2. Jai Prakash Singh, Son of Sakaldeo Singh, Resident of village- Ahiyapur, P.S- Haspura, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwari Devi, Wife of Ganeshi Ram, Resident of village-n Ahiyapur, P.S- Haspura, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr.Ashok Kumar, Advocate
For the State	:	Mr.Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Avinash Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 08-12-2022

Heard learned counsel for the appellants, learned
Spl.PP for the State and learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

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 07.07.2022 passed by the learned 1st Additional
District and Sessions Judge, SC/ST, Aurangabad in connection
with Aurangabad SC/ST P.S. Case No. 07 of 2022, registered for



the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354(B), 504 and 506 of the Indian Penal Code and Sections 3 (1), (r), (s) (w), (1), 3 (2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, in two separate incidents the appellants and other co-accused persons entered into the house of the informant and tried to outrage the modesty of the informant and her daughter and assaulted her family members causing injuries to a number of persons.

The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The present case is a counter blast of Haspura P.S. Case No. 155 of 2022 registered by the co-accused Champa Kumari against the informant's side for outraging the modesty of female inmates and assault on the family members of the informant of that case and the assailants also tried to set ablaze the house of the informant. Petitioner side filed the case on 02.06.2022 whereas the present case was lodged on 06.06.2022. The appellants have been implicated in the false case just for taking revenge and provisions of SC/ST (POA) Act has been added to make the offences serious. Learned counsel further submits that



altogether 27 persons have been made accused apart from 25-50 unknown persons. The allegations are mostly general and omnibus. Charge-sheet has been submitted in this case and the appellants are in custody since 06.06.2022. The appellants are having clean antecedent.

Learned Spl.PP as well as learned counsel for the informant/respondent no.2 vehemently oppose the submission made on behalf of the appellants. Learned counsel submits that the appellants are named in the FIR and they entered into the house of the informant and tried to molest the females and brutally assaulted the other inmates.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the general and non-specific nature of allegation against the appellants and also considering the clean antecedent of the appellants as well as their period of custody and submission of charge-sheet, the appellants above named are 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 District and



Sessions Judge (SC/ST), Aurangabad in connection with Aurangabad SC/ST P.S. Case No. 07 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 appellants.
- (ii) The appellants 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 appellants 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	NAFR
CAV DATE	NA
Uploading Date	13.12.2022
Transmission Date	13.12.2022

