

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2928 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- DAUDPUR District- Saran

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1. BABITA DEVI WIFE OF SANTOSH TIWARY R/O VILLAGE- JAIPUR, P.S.- DAUDPUR, DISTRICT- SARAN
 2. VIKAS KUMAR TIWARY @ VIKAS KUMAR SON OF SANTOSH TIWARY R/O VILLAGE- JAIPUR, P.S.- DAUDPUR, DISTRICT- SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. PURNIMA DEVI W/O DHANANJAY SAH R/O VILLAGE- JAIPUR, P.S.- DAUDPUR, DISTRICT- SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bishwajeet Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State and also learned counsel for the informant.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.06.2021 passed by learned 3rd Additional Sessions Judge -cum- Special Judge SC/ST Act, Saran at Chapra in connection with Daudpur P.S. Case No. 121 of 2021 registered under Sections 341, 323, 427, 504, 506 and 34 of the Indian Penal Code read with Section 3(1)(r)(s) of SC/ST



(POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

The appellants along with others are said to have abused and assaulted the informant and her family members by lathi, danda, rod and axe and taken away the important paper after breaking the box.

Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that due to land dispute, the present F.I.R. has been instituted against these appellants. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the accused persons including these appellants. He further submits that neither the informant nor his family members have sustained any injury. He further submits that the present case is false and fabricated and the same has been lodged only to harass the appellants. Hence, the impugned order may be set aside and the appellants may be granted the privilege of per-arrest bail.

Learned Special Public Prosecutor as well as learned counsel for the appellants has vehemently opposed



the prayer for grant of pre-arrest bail to the appellants and submits that appellants are involved in the present occurrence.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge -cum- Special Judge, SC/ST Act, Saran at Chapra in connection with Daudpur P.S. Case No. 121 of 2021 subject to the conditions laid down under Section 438(2) of the Cr.P.C. as well as with the following conditions:-

(1) Appellants shall co-operate in the investigation and 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 bond shall be canceled 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 bond 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, this appeal is allowed and the impugned order is set aside.

(Rajesh Kumar Verma, J)

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