

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4039 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

1. NIRANJAN SINGH Son of Shaligram Singh Resident of Village- Kendua, P.S.- Muffasil, District- Nawadah
2. RAJIV SINGH @ RAJEEV KUMAR Son of Shaligram Singh Resident of Village- Kendua, P.S.- Muffasil, District- Nawadah.
3. PRINCE KUMAR Son of Niranjan Singh Resident of Village- Kendua, P.S.- Muffasil, District- Nawadah

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lal Bihari Paswan Not known S.I. cum office incharge Muffassil P.S. District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 25.08.2021 in A.B.P. No. 853 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada, in connection with Muffasil P.S. Case No. 127 of 2021 registered under Sections 341, 353, 188, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act, 1989 and Section 3 of the Epidemic Disease Act, 1987.



As per prosecution case, the informant was on duty along with other police official and checking the vehicle. The informant gave a signal to one motorcycle but the motorcycle rider succeeded to flee away, When the informant searched the witnesses then the owner of under constructed house namely Niranjana Singh, his brother Rajeev Singh and Prince Kumar abused the informant by calling his caste name and gave a threatening.

Learned counsel for the appellant submits that appellant no.2 has clean antecedent and appellants no.1 and 3 have one criminal antecedents. He further submits that the appellants have falsely been implicated in the present case and the allegation as alleged in the F.I.R. is false and fabricated and appellants were not arrested on the spot. He further submits that the appellants are the owner of constructed house and the police forcibly given the pressure to make witnesses but the appellant due to which the appellants denied on that ground the police has falsely been implicated in this case. He further submits that similarly situated, co-accused, namely, Md. Neyaz Ansari @ Neyaz Ansari has been granted bail by a Co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Misc. No. 4102 of 2021.



The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant and submits that appellants no.1 and 3 carries one criminal antecedent other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muffasil P.S. Case No. 127 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 bond 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.

3. 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.

(Rajesh Kumar Verma, J)

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