

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4086 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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1. Premshila Devi W/o Anil Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.
 2. Sabita Devi W/o Rajan Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.
 3. Girja Devi W/O Ram Kishun Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.
 4. Sanju Devi W/O Nagendra Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.
 5. RAM KISHUN RAM Son of late Ram Autar Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.
 6. Rajan Ram Son Of Ram Kishun Ram Resident of Village - Rampurwa, P.S.- Valmikinagar, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Late Bhikham Ram Village-Rampurwa,P.S- Valmikinagar,District-West Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4129 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

NAGENDRA RAM Son of Ram Kishun Ram Resident of Village - Rampurwa, Police Station - Valmikinagar, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4086 of 2021)

For the Appellant/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Zainul Abedin, Adv.

For the Respondent/s : Mr.Sadanand Paswan, SPP

(In CRIMINAL APPEAL (SJ) No. 4129 of 2021)

For the Appellant/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Zainul Abedin, Adv.

For the Respondent/s : Mr.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER



4 05-01-2022 Heard learned senior counsel for the appellants, informant and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 29.07.2021, passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 20 of 2021, registered under Sections 147, 148, 149, 324, 302 and 504/34 of the IPC and Sections 3(i) (r) (S)/3(2)(v-a)/3(2)(v) of SC/ST Act.

It is submitted by learned senior counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is admitted land dispute between the parties. He submits that there is general and omnibus allegation levelled against the appellants. He submits that no case under SC/ST Act is made out against the appellants. He further submits that appellants are languishing in judicial custody since 16.03.2021.

Learned Spl. PP for the State and informant opposed the prayer for bail and submit that there is specific allegation



against Nagendra Ram who assaulted the deceased by means of Farsa on his head.

Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation against all the appellants in Cr. APP (SJ) No. 4086 of 2021), the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 20 of 2021.

So far as Nagendra Ram appellant in Cr. APP (SJ) No. 4129 of 2021 is concerned, there is specific allegation of assault against him on the head of the father of the informant by means of Farsa, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected.

Accordingly, the impugned order is set aside so far as it relates to appellants in Cr. APP (SJ) No. 4086 of 2021 and the appeal is allowed.

(Anjani Kumar Sharan, J)

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