

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4403 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

1. JAI RAM SINGH @ JAI RAM SINGH PATEL S/o- Sri Birchand Prasad Singh Resident of Village Paniyadih, P.S. - Bhagwanpur Hat, District - Siwan.
2. KALAYAN SINGH S/o Sri Bijay Singh @ Bijay Chand Singh Resident of Village Paniyadih, P.S. - Bhagwanpur Hat, District - Siwan.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Awadhesh Ram Late Babulal Ram R/o vill- Ratan Parauli Tiwari Tola, P.S.- Bhagwanpur Hat, Dist.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P.
		Mr.Udit Narayan Singh, Adv.
		Mr.Gajendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.10.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, arising out of Special Case No.72 of 2021 in connection with Bhagwanpur hat P.S. Case



No.102 of 2021, registered under sections 302, 34 of the IPC and sections 3(2)(v)(s) of the SC and ST Act.

The allegation against the appellants is that they along with other accused persons abused the informant's brother and son by using caste name and beaten them with hockey sticks and rod. On hearing the noise, informant reached at the spot but the accused persons fled away and brother of the informant died on the way to hospital.

It is submitted by learned counsel for the appellants that no such occurrence in the manner as alleged has ever taken place. Appellants are quite innocent and have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. It is submitted that after investigation, police has filed the final form against the appellants, showing these appellants innocent but the learned Court below has taken cognizance against the appellants. The appellants have been languishing in custody since 04.06.2021 and have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the appellants that they are



involved in alleged offence.

In the facts and circumstance of the case, considering the custody of more than six months, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, arising out of Special Case No.72 of 2021 in connection with Bhagwanpur hat P.S. Case No.102 of 2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

