

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4409 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- KHUDAGANJ District- Nalanda

1. DEEPU KUMAR S/o Girija Ram R/o- Vill - Mahmadpur, P.S. - Khudaganj, Distt. - Nalanda.
2. Girija Ram S/o Ramjee Ram R/o- Vill - Mahmadpur, P.S. - Khudaganj, Distt. - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amresh Kumar Sinha
For the Respondent/s	:	Mr.Binay Krishna Mr.Rajesh Kumar Chaudhary

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 31-03-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 01.09.2021 passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST Act), Biharsharif, Nalanda, in connection with Khudaganj P.S. Case No.58 of 2021, registered under sections 341, 323, 504, 506, 325, 307, 354 A/34 of the IPC and section 3(1)(r)(s) of SC/ST Act.



The prosecution case in brief, is that the appellant no.1 and other accused persons tried to misbehave with the informant and when a complaint was made in this regard to the family of the appellant, all the accused persons entered into the house of the informant and assaulted and abused her family members.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to village politics. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is case and counter-case between the parties. The occurrence took place on account of a dispute relating to grazing of goat in the field of the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The appellants have no criminal antecedent and have been languishing in custody since 02.08.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the injuries are grievous in nature but have fairly submitted that the grievous injuries are not on vital part of the body.

In the facts and circumstances of the case and the period



of custody undergone, 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 (SC/ST Act), Bihar Sharif, Nalanda, in connection with Khudaganj P.S. Case No.58 of 2021.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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