

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4444 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- MATIHANI District- Begusarai

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1. HIMANSHU KUMAR Son of Raj Kumar Ray Resident of Village and P.S. - Matihani, District - Begusarai.
 2. Gaurav Kumar Son of Ram Kumar Ray Resident of Village and P.S. - Matihani, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kishore Paswan son of Umesh Paswan R/o village- Chak Punarwas, P.S.,- Matihani, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arjun Prasad
For the Respondent/s	:	Mrs.Usha Kumari 1
For the informant	:	Md. Harun Quareshi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 31-03-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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 05.10.2021, passed by learned Spl. Judge, SC/ST (POA) Act, Begusarai, in connection with Matihani P.S. Case No.55/2021, registered under sections 147, 149, 323, 384, 504, 506 of the IPC read with sections 3(i)(r)(s), 3(2)(va) of the SC/ST (POA) Act.



The prosecution case in brief, is that all the FIR named accused persons including the appellants herein surrounded the informant and Chandan Kumar, asking 'rangdari' (extortion) and on objection, with an intention to kill, the accused persons assaulted the informant and his associate with deadly weapons. They also abused by caste related words.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The injuries sustained by the injured are simple in nature. The injury reports are at Annexure-2 of the memo of appeal. No offence under SC/ST Act has been committed by the appellants. The appellants have no criminal antecedent and have been languishing in custody since 29.09.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the appellants are involved in the alleged occurrence but have fairly submitted that the case has been compromised between the parties in the learned court below.

In the facts and circumstance of the case, in view of the



compromise, 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 Spl. Judge, SC/ST (POA) Act, Begusarai, in connection with Matihanii P.S. Case No.55/2021.

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

(Anjani Kumar Sharan, J)

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