

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4534 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. DENISH JHA @ NAWNEET JHA Son of Shobha Kant Jha R/o village - Majhauilya, P.S.- Bathnaha, District – Sitamarhi.
2. Chandan Jha @ Chandan Kumar Mishra Son of Manoj Jha @ Manoj Mishra R/o village - Majhauilya, P.S.- Bathnaha, District – Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Jha
For the Respondent/s	:	Mrs. Usha Kumari I
		Dr. Bidhu Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2022 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of bail vide order dated 22.10.2021, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Bathnaha P.S. Case No.258 of 2020, registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act as well as under Sections 3(1)(r)(s)/3(2)(v) of the SC/ST Act.

The appellants and other co-accused person are said to



have assaulted the informant and others. Co-accused, Gulgul Jha fired upon the younger brother of the informant, Avinash Paswan causing his death on the spot. The accused persons are also said to have abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that there is general and omnibus allegation against the appellants. From perusal of the FIR, it is clear that the appellants are only member of the mob. It is further submitted that similarly situated other co-accused persons have already been enlarged on bail by different co-ordinate Benches of this Court vide order passed in Criminal Appeal (SJ) No.2143 of 2021, dated 11.08.2021, Criminal Appeal (SJ) No.2079 of 2021, dated 10.08.2021, Criminal Appeal (SJ) No.2146 of 2021, dated 11.08.2021 and Criminal Appeal (SJ) No.1595 of 2021, dated 08.04.2021. Learned counsel for the appellants further submits that according to the FIR, on the order of Bablu Jha, one Gulgul Jha fired upon the deceased, Avinash Paswan. It is submitted that the appellants are in custody since 17.09.2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellants.



Taking into consideration the facts aforesaid, order dated 22.10.2021, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi in Bathnaha P.S. Case No.258 of 2020 is set aside. The appeal is allowed.

Let appellants, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Bathnaha P.S. Case No.258 of 2020, subject to the conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned court below.

(b) The appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

(c) The appellants shall not leave the country without permission of the trial court.

(Anjani Kumar Sharan, J.)

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