

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4686 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

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1. Sunni Kumar @ Diwakar Kumar, Son of Siyaram Pandit @ Sita Ram Pandit Resident of Village - Rasulpur, P.S. - Punpun, District - Patna.
 2. Ravi Kumar Son of Siyaram Pandit @ Sita Ram Pandit Resident of Village - Rasulpur, P.S. - Punpun, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rocky Kumar Son of Late Sheo Pujan Singh Resident of Village - Rasulpur, P.S. - Punpun, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 07-07-2022 1. Heard learned counsel for the appellants and learned Special P.P. for the State, on point of admission and on merit also.
2. The appellants have preferred the present appeal under Section 14A(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 for bail vide order dated 17.11.2021 passed by the learned Additional District and Sessions Judge-II-cum-Special Judge, SC/ST, Patna in connection with Punpun P.S. Case No. 123 of 2021 registered under



Sections 147, 148, 149, 302 of Indian Penal Code and 3(2)(V) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. Notice has been issued to Respondent no.2, served upon, but failed to appear.
5. The appellants are named in F.I.R. and are in custody since 06.10.2021.
6. The allegation against the appellants is to commit murder of the father of the informant along with other co-accused persons, equipped with deadly weapons as lathi, rod, etc.
7. Learned counsel for the appellants submitted that nature of allegation against the appellants is very much general and omnibus. It has been submitted that allegation against the appellants is not specific and occurrence was nothing but a free fight between the villagers of two different villages. It has been submitted that appellants are man of clean antecedent. It has further been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While



concluding the argument, it has been submitted that similarly situated co-accused person has already been granted bail by a learned co-ordinate Bench of this Court through Crl. Appeal (SJ) No. 3627 of 2021 dated 13.09.2021 and nothing surfaced during course of investigation, which may suggest atrocities on the part of appellants, within meaning of the Act.

8. Learned counsel for the appellants submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276*.
9. Learned Special P.P. for the State, while opposing prayer for bail, fairly conceded, that as per FIR allegation of assault against appellant is very much general and omnibus in nature.
10. In view of the submissions, as allegation of assault is very much general and omnibus, where occurrence is a free fight, as per FIR, coupled with the fact that charge-sheet has already been submitted, let both the appellants, above named, are directed to be released on bail in connection with Punpun P.S. Case No. 123 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, SC/ST, Patna, subject to the following conditions:]

“(i) Appellants shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellants, duly supported by the documents.

(ii) That one of the bailors shall be Siyaram Pandit @ Sita Ram Pandit, who is the father of the appellants and deponent of the present appeal.”

11. Accordingly, impugned order dated 17.11.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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