

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4855 of 2021**

Arising Out of PS. Case No.-33 Year-2021 Thana- SC/ST District- Begusarai

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Rampravesh Sah @ Ram Pravesh Sah, Son of Late Ram Bilash Sah, Resident
of Village- Ward No.31, Mehan Mehnah, P.S.- Dandari, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sikander Paswan Son of Late RAmbadan Paswan Resident of Village-
Mehan, Mehnah, P.S. Dandari, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pritish Kumar Lal, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-07-2022 Office has reported that notice has been issued to the

respondent no. 2 through both modes and it has been received

by brother of respondent no.2.

Despite the service of notice, the respondent no. 2 has
failed to put his appearance, the matter should not be kept
pending.

Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by



order dated 30.10.2021 passed by the learned Special Judge, SC/ST Act, Begusarai in connection with Begusarai SC/ST P.S. Case No.33 of 2021, registered for the alleged offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3 (1) (r), (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution case, the appellant and co-accused persons assaulted the informant with *lathi* and rod and also abused him by taking his caste name.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The wife of the appellant has filed a case against the informant and others and the anticipatory bail petition of the informant and other co-accused persons was rejected by the learned court below and, in retaliation thereof, the instant case has been instituted. Moreover, even on the facts of the case, it is a case of simple assault by the appellant and hardly any injury has been caused. Taking the cast name of the informant is not publicly as it appears to be some secret place. The appellant is in custody since 06.10.2021 and has sufficiently been penalized.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the allegations are only about



causing simple injury and further considering the aspect of the counter case filed by the wife of the appellant, which shows probability of false implication and further considering the period of custody, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Begusarai in connection with Begusarai S.C./S.T. P.S. Case No. 33 of 2021/CIS No. 120 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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