

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.7 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- BALIGAON District- Vaishali

Lalu Rai @ Praveen Kumar Son of Ramesh Rai @ Ramesh Kumar Ray
Resident of Village - Chakjado, Police Station - Baligaon, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Son of Surendra Paswan Resident of Village - Chakjado,
Police Station - Baligaon, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharmesh Kumar, Adv
For the State	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Ravish Mishra, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-04-2022 Heard learned counsel for the appellant and the learned
Special P.P. for the State along with learned counsel for the
informant.

This Court would expect that the appellant's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act against the refusal of his prayer
for bail, vide order dated 15.11.2021 passed by the learned 1st
Additional District and Sessions Judge-cum-Special Judge,



Vaishali at Hajipur arising out of Baligao P.S. Case No. 80 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 302/120B of the Indian Penal Code, and Section 3(i)(A)(r)(s), 3(2)Va of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 15.11.2021.

The appellant has earlier withdrawn his application for bail, which is evident from order dated 16.03.2021 passed in Cr. Appeal (SJ) No. 842 of 2021. Without moving the court below, the appellant had renewed his prayer for bail in Cr. Appeal (SJ) No. 2971 of 2021 which was also disposed of on 27.10.2021 for enabling the appellant to move the court below. Having moved the court of 1st Additional District and Sessions Judge, SC/ST, Hajipur the prayer for bail was renewed.

The appellant's counsel is placing reliance on order dated 30.09.2021 passed in Cr. Appeal (SJ) No. 716 of 2021. The submission is that general and omnibus allegation has been levelled against all the eight accused persons. Five of the accused persons have been allowed bail by the order dated 30.09.2021, after careful examination of the case-diary and the material collected during the course of investigation. Appellant having no criminal antecedent is stated to be in custody since 20.07.2020.



The Court has carefully considered the order dated 30.09.2021 passed in respect of the co-accused persons from which it is apparent that the cause of death has emerged in the investigation is found to be at variance with the allegation and thus the five co-accused persons, similarly situated to the instant appellant, was allowed bail.

Learned Special PP and learned counsel for the informant, however, submit that the specific allegation is levelled against the appellant and the Inquest Report records some injury on the neck of the deceased.

Considering the rival submissions on the ground of parity with the five co-accused persons, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Baligao P.S. Case No. 80 of 2020.

In the result, the appeal is allowed and the impugned order dated 15.11.2021 is set aside.

(i) That one of the bailors will be a close relative of the



appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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