

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.44 of 2022

Arising Out of PS. Case No.-206 Year-2020 Thana- AWTARNAGAR District- Saran

Gajendra Singh Son Of Mangal Singh R/O Village- Ramgadha, P.S.- Awatar
Nagar, Dist.- Saran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rohit Kumar Son Of Awadh Manjhi R/O Village- Ramgadha, P.S.- Awatar
Nagar, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadananad Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-09-2022

Heard learned counsel for the appellant, learned
Spl.PP for the State.

As per office report notice has been validly served
upon the respondent no.2 but no one is present on behalf of the
respondent no. 2 and hence the matter has been put up for
hearing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date or
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 17.11.2021 passed by learned Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran At Chapra in connection with Awatar P.S. Case No. 206 of 2020 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 120(B), 504 and 506 of the Indian Penal Code and Sections 3 (1)(r)(s), 3 (2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, when the informant approached the co-accused ward member for flood relief, he was abused and another co-accused assaulted him with farsa. The appellant and other 21 named co-accused persons along with 50 unknown co-accused persons assaulted the informant and his caste-men with *lathi*, *danda*, *farsa* and bricks etc.

Learned counsel for the appellant submits that the occurrence as alleged has never taken place. There is a counter version of the occurrence on the basis of which Awatar Nagar P.S. Case No. 205 of 2020 registered for the offences under Section 147, 148, 149, 341, 323, 324, 504 of the IPC on written application of co-accused Santosh Kumar Singh. The accused persons of this case went to the house of Santosh Kumar Singh and started pressurizing for filing their form support for flood



relief. Their request was illegal and they were unmarried and members of the same family. On refusal of Santosh Kumar Singh altercation took place and though the matter was pacified at that time, making an unlawful assembly the informant and others attacked the house of the Santosh Kumar Singh and injured a number of persons. On the facts of the present case, it is apparent that though the informant has named large number of persons as accused but no specific allegation of any overt act has been made against this appellant. The allegations are mostly general and omnibus against the appellant and other co-accused persons. The co-accused Santosh Kumar Singh has been granted bail vide order dated 24.03.2022 passed in Cr. Appl. (SJ) No. 4133 of 2021. Other similarly placed co-accused has been granted bail vide order dated 31.08.2022 passed in Cr. Appl. (SJ) No. 3987 of 2021. the appellant is in custody since 17.09.2021 and charge-sheet has been submitted. The appellant has got no criminal history.

Learned Spl.PP opposes the prayer for bail.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general, vague and omnibus allegations against the appellant



without any specific overt act being attributed to him and further considering his period of custody and the submission of charge-sheet, he 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 Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 206 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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)

Rajnish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2022
Transmission Date	01.10.2022

