

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.405 of 2023

Arising Out of PS. Case No.-14 Year-2020 Thana- NTPC District- Patna

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1. JAGDISH DAS @ JAGDISH RAM Son of Late Vasudev Das Resident of Village - Pachmahala Raili, Police Station - N.T.P.C., District - Patna.
 2. Dhiraj Kumar Son of Jagdish Das @ Jagdish Ram Resident of Village - Pachmahala Raili, Police Station - N.T.P.C., District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vina Devi Wife of Late Govind Das Resident of Village - Pachmahala Raili, Police Station - N.T.P.C., District - Patna, At present Paijabapar, P.S.- Barh, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lovekush Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-05-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, learned Spl.PP for the State informed the informant about the present case but nobody has entered appearance on her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 20.09.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with NTPC P.S. Case No.14 of 2020,



registered under Sections 302, 120(B), 34 of the Indian Penal Code and section 27 of Arms Act, and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the informant got information that a person has been taken to Sub-Divisional Hospital, Barh, from whose pocket, mobile no. of his son has been found. Thereafter, she alongwith family members rushed to the hospital and identified her deceased husband. It is alleged that due to previous enmity between the appellants and the husband of the informant with regard to PDS dealership, she claims that her husband has been killed by the appellants.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The appellants have been made accused in the present case merely on the basis of suspicion. He further submits that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order dated 29.01.2021 passed in Cr. APP.(SJ) No.1968 of 2020. Appellants have no criminal an-



tecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna in connection with NTPC P.S. Case No.14 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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