

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.917 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- Begusarai Muffasil District- Begusarai

1. DEEPAK RAI Son of Shambhu Rai R/v- Pahadigacchi, P.S.- Muffasil, District- Begusarai
2. RAKESH RAI Son of Shambhu Rai R/v- Pahadigacchi, P.S.- Muffasil, District- Begusarai
3. AJAY RAI @ AJAY KUMAR Son of Shiv Nath Rai R/v- Pahadigacchi, P.S.- Muffasil, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. NUNULAL DAS Son of Late Ramswaroop Das R/v- Pahadigacchi, P.S.- Muffasil, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Advocate
For the Respondent/s : Mrs. Usha Kumari I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by order dated 20.01.2023 passed by the learned Court of Special Judge, SC/ST (P.O.A.) Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 597 of 2022 registered under Sections 447, 341, 323, 354(b), 387, 506/34 of the Indian Penal Code and Sections 3(1)(g),(v),(s), 3(2)(VA) of SC/ST (POA) Act, 1989.



As per prosecution case, on the basis of written application of the informant Nanu Lal Das in brief, is that on 16.11.2022 at about 12:20 O'clock in the day hours in accordance with the direction of the Circle Officer Begusarai the land of the informant was being measured by the Anchal Amin Shambhu Prasad Singh by the order of the court but the accused persons were creating hurdle in possession the land of the informant for which all the F.I.R. named accused persons including the appellants and other 6-7 persons have assaulted the informant and the daughter-in-law of the informant Nutan Devi and Kunti Devi by entering in the house and they were taking them towards their home but in the semi-nude condition the informant and her daughter-in-law Nuthan Devi rushed and rescued her. It is further alleged that the informant comes from the Mahadalit family, accused Gopal Rai and all the other co-accused persons by taking the caste name abusing his caste Julaha and threaten them to be killed and will grab the entire land.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation



against all the accused persons including these appellants and there is no specific allegation of any assault or overt-act is attributed against these appellants. He further submits that the informant is belong to Julaha community and it is mentioned in State of Bihar is in EBC category. He further submits that the police, after investigation, submitted the charge sheet against the appellants and the appellants are in custody since 23.12.2022.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellants. Learned counsel for the informant submits that the informant has filed another case being Muffasil P.S. Case No. 191 of 2023 against other co-accused persons.

Considering the aforesaid facts and circumstances, let the appellants, 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 Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 597 of 2022, subject to the following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every



date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 20.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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