

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1180 of 2023

Arising Out of PS. Case No.-673 Year-2022 Thana- HISUWA District- Nawada

1. Pintu Singh @ Pintu Kumar S/O Late Dani Singh R/v- Badhauna, P.S.- Hisua, District- Nawada
2. Lakshman Kumar @ Lokshman Singh son of Jainandan Singh @ Jay Singh R/v- Badhauna, P.S.- Hisua, District- Nawada
3. Dhiraj Kumar @ Lalo singh Kaushal Singh R/v- Badhauna, P.S.- Hisua, District- Nawada
4. Nawlesh Singh @ Karu Singh son of Late Saket Singh R/v- Badhauna, P.S.- Hisua, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lakshminiya Devi W/O Chando Chaudhary R/v- Dhibari , P.S.- Hisua, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Nayan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-12-2023 Heard learned counsel for the appellants and
learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 30.01.2023 passed by the learned Exclusive Special Court Scheduled Caste and Scheduled Tribes, Nawada in connection with A.B.P. No. 72 of 2023 (arising out of Hisua P.S. Case No.



673 of 2022) dated 13.11.2022 registered for the alleged offences under Sections 302 read with 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. As per prosecution case, when the husband of the informant went to the accused persons to claim his dues amount after eight years, then all named accused persons started to assault him but anyhow he managed to escape. Thereafter, all named accused persons along with 10-25 unknown miscreants armed with weapons arrived at his house and started abusing him by calling his caste name and assaulted him with the intention to kill by the means of *lathi* and *danda*, thereby causing severe injury to him. The injured was taken to the hospital where he died during the course of treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. It is further submitted that there is no specific allegation against the appellants. Learned counsel has further submitted that the appellants have no knowledge



about the caste of the informant's husband and no member of public was present at the relevant point of time of the alleged incident, hence, no offence under provisions of SC/ST Act is made out against the appellants. The appellants have no criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 30.01.2023 passed by the learned Exclusive Special Court Scheduled Caste and Scheduled Tribes, Nawada in connection with A.B.P. No. 72 of 2023 (arising out of Hisua P.S. Case No. 673 of 2022), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Scheduled Caste and



Scheduled Tribes, Nawada in connection with A.B.P. No. 72 of 2023 (arising out of Hisua P.S. Case No. 673 of 2022), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

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

(Chandra Prakash Singh, J)

Nilmani/-

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