

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1444 of 2023

Arising Out of PS. Case No.-488 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Sanjay Rai @ Sanjay Ray S/O Kameshwar Rai R/O Village- Dumri (Dakshni), P.S- Patory (Mohanpur O.P), Distt.- Samastipur.
2. Veerchandra Rai @ Veerchandra Ray S/O Kameshwar Rai R/O Village- Dumri (Dakshni), P.S- Patory (Mohanpur O.P), Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Doman Paswan Vilash Paswan Resident of Village- Dumri (Dakshini), Police Station- Patori (Mohanpur O.P.), District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mahendra Pratap, Advocate
For the Resp. No. 2	:	Mr. Vishal Akram Rana, Advocate
For the State	:	Mr. Binay Krishna, Spl P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-07-2023 Heard learned counsel appearing for the appellants, learned counsel appearing on behalf of the respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 13.02.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 488 of 2022, F.I.R. dated 05.11.2022 registered under Sections 147, 148, 149, 341, 323, 504, 307, 324, 325 of the



Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

3. Allegation against the appellants is that they along with co-accused came at the door of informant and abused him by his caste name and assaulted the informant's wife, son and brother with *lathi, farsa and kulhari*.

4. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it transpires that the date of occurrence as alleged in the F.I.R. 27.10.2022 but the present F.I.R. was instituted on 05.11.2022 after delay of eight days without giving any explanation of delay. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or avert act attributed against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants. He further submits that the police after investigation submitted chargesheet against the appellants and the appellants are in custody since 20.01.2023.

5. Learned counsel appearing on behalf of the respondent no. 2 appears and submits that now the matter has been compromised between the parties.

6. Considering the facts and circumstances of the



case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 488 of 2022, with 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, 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 antecedents, 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.

7. Accordingly, the impugned order dated 13.02.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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