

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.930 of 2021

Arising Out of PS. Case No.-238 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

1. PRAMOD SINGH S/o Rajkishore Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
2. Devendra Singh @ Devendra Pratap Singh S/o Rajkishore Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
3. Chandan Singh S/o Devendra Singh @ Devendra Pratap Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
4. Zilajeet Singh S/o Sri Nath Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
5. Ram Awatar Singh S/o Late Bhutai Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
6. Uday Singh @ Uday Pratap Singh S/o Late Bhutai Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
7. Raju, Manish Singh @ Manish Kumar Singh S/o Uday Pratap Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
8. Hoshila Singh S/o Late Bindeshwari Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
9. Bhagwan Singh S/o Late Laljee Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).
10. Raifal Singh S/o Bhagwan Singh Resident of Village-Pateri, P.S.-Chand, District-Kaimur (Bhabua).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Munna Ram Late Kishun Ram Resident of village- Jamalpur (Pateri) P.S.-Chand, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Ms. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 01.11.2021, notice was issued to
respondent no.2. The office has reported that the notice has been



served validly, but today nobody appears on behalf of respondent no.2

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.03.2020, passed by learned Additional Sessions Judge-1st-cum-Special Judge, Kaimur at Bhabua in connection with Chand P.S. Case No.238 of 2018, registered under Sections 341, 323, 147, 148, 149, 325, 307, 448, 380, 379, 354, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

The appellants, variously armed, alongwith 20-25 others are said to have come on the ancestral land of the informant and started harvesting his wheat crops. When the informant forbade them to do so, the accused persons abused him by naming his caste. The accused persons assaulted the informant and his daughter-in-law and snatched the chain from the daughter-in-law of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that similarly situated co-accused



persons have already been enlarged on bail by this Court vide order dated 04.01.2023, passed in Criminal Appeal (SJ) No.3319 of 2022. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court passed in the case of Hitesh Verma Vs. State of Uttarakhand and another, reported in (2020) 10 SCC 710.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Kaimur at Bhabua in connection with Chand P.S. Case No.238 of 2018, subject to the conditions 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)

S.KUMAR/-

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