

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1917 of 2023

Arising Out of PS. Case No.-98 Year-2020 Thana- DARIYAPUR District- Saran

-
1. Ranjeet Rai Son Of Ashok Rai R/O Village- Rampur Jaiti, P.S.- Dariyapur, District- Saran
 2. Diwakar Rai @ Diwas Rai Son Of Ashok Rai R/O Village- Rampur Jaiti, P.S.- Dariyapur, District- Saran
 3. Lapetu Rai @ Lapat Rai Son Of Nawal Rai R/O Village- Rampur Jaiti, P.S.- Dariyapur, District- Saran
 4. Vikki Rai Son Of Gautam Rai R/O Village- Rampur Jaiti, P.S.- Dariyapur, District- Saran
 5. Ashok Rai Son Of Late Jamuna Rai R/O Village- Rampur Jaiti, P.S.- Dariyapur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandradeep Manjhi (MUKHIYA) Son Of Late Jawahar Manjhi R/O Village- Jaitipur, P.S.- Dariyapur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vasant Vikas, Advocate
For the respondent no. 2	:	Mr. Pranoy Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 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.

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 of the appellants vide order dated 27.03.2023 passed by the learned 3rd Additional



Sessions Judge--cum- SC/ST Special Court, Saran At Chapra in connection with Dariyapur P.S. Case No. 98 of 2020, F.I.R. dated 02.04.2020 registered under Sections 147, 148, 149, 447, 504, 307, 325, 379, 323, 354(B), 436, 353 of the Indian Penal Code, Sections 3(i)(r)(s) of the SC/ST (POA) Act.

The allegation against the appellants along with other accused persons are said to have abused by caste name of the informant and his family members and assaulted them by means of *lathi*, *farsa*, *iron rod*, etc. and also set on fire in the Panchayat Office of the Informant.

Learned counsel for the appellants submits that the appellants have clean antecedent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offence as alleged in the F.I.R. He further submits that there is allegation against co-accused persons namely Ram Babu Rai, Arun Kumar Rai who had inflicted *farsha* blow and *iron rod* upon the informant have been granted bail vide orders dated 29.07.2021 and 19.10.2022 passed in Cr. App. (SJ) No. 2399 of 2021 and Cr. App. (SJ) No. 1894 of 2022 respectively. He further submits that now both the parties have filed a compromise petition before the learned Trial



Court and co-accused persons against whom the allegation of assault have been granted bail by this Court Court and the police after investigation submitted chargesheet against the appellants and the appellants are in custody since 25.02.2023.

Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellants but learned counsel for the respondent no. 2 fairly submits that that both the parties have filed a compromise petition before the learned Trial Court.

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 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran at Chapra in connection with Dariyapur P.S. Case No. 98 of 2020, 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 reasons, 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.

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

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

