

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2216 of 2023

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

Laljeet Singh @ Lalji Singh Son of Bhola Singh Resident Of Village-
Badhauna, Ps- Hisua, Distt- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxminiya Devi Wife of Chando Chaudhary, Resident of Village- Dhibari,
Ps- Hisua, Distt- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Man Mohan Kumar, Advocate
For the Resp.No.2	:	None
For the State	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-07-2023 Despite of valid service of notice upon respondent no.2, no one appears on behalf of respondent no.2 when the matter is called.

Heard learned counsel for the appellant 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 28.02.2023 passed by the learned Exclusive Special
Court SC/ST (POA) Act, Nawada, in connection with B.P.
No.232 of 2023 arising out of Hisua P.S. Case No. 673 of 2022
registered under Sections 302/34 of the Indian Penal Code and
Sections 3(i)(r)(s) of SC/ST (POA) Act, 1989.



As per prosecution case, as per fardbeyan of the informant is that on 12.11.2022 the husband of the informant namely Late Chando Chaudhary had gone to the house of Laljeet Singh (appellant) for demanding the dues of his wages where all the accused persons including the appellant started assaulting then any how her husband came back to home then at 07:00 PM all the accused persons including the appellant along with 10-25 unknown persons armed with lathi and danda arrived at his house and started abusing by uttering her caste name and started assaulting with lathi, danda and got him injured seriously on alarm nearby people assembled then all of them fled away giving threat to kill them. Thereafter, the information was given to Hisua police where from police arrived and took her husband in injured condition for getting her treated at PHC wherefrom for better treatment he was referred to Nawada Sadar Hospital where he was going under treatment and in the course of treatment he succumbed to the injuries.

Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against the appellant rather there is general and



omnibus allegation against all the accused persons including the appellant. He further submits that as per F.I.R. the allegation against the appellant and other co-accused person that they have named the caste and it appears from the F.I.R. itself that the same was not done in the public view so no case is made out under the SC/ST Act. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 01.02.2023.

The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant and submits that appellant carries one criminal antecedent other than the present one, in which he is on bail.

Considering the aforesaid facts and circumstances, let the appellant, 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 Exclusive Special Court SC/ST (POA) Act, Nawada in connection with B.P. No.232 of 2023 arising out of Hisua P.S. Case No. 673 of 2022, subject to the following conditions:-

1. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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 28.02.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

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

