

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2246 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- SC/ST District- Saran

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1. SUPAN SINGH SON OF LATE SITARAM SINGH Resident of Village- Anjani, P.S.-Parsa, District-Saran
 2. SHASHI SINGH @ SHASHI KUMAR SON OF SUPAN SINGH Resident of Village-Anjani, P.S.-Parsa, District-Saran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHAILENDRA DAS SON OF LATE SHIVDYALI DAS Village- Anjani, P.S.-Parsa, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kr. Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP Mr. Nalin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-10-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the appellants and Mr. Nalin Kumar, learned counsel for the respondent No. 2 as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.04.2023, passed by the court of learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge-III, Saran in connection with SC/ST P.S. Case No. 54 of 2020, Tr. No. 216 of 2021, registered under Sections 341, 323, 379, 427, 504/34 of the



Indian Penal Code and Section 3(i)(x) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

3. As per allegation, the accused persons forcibly encroached the land of the informant. When he objected, they armed with lethal weapons came at his door and assaulted him by means of *Lathi* and *Danda* and also abused by calling his caste name. They also took away his gold chain worth Rs.25,000/- and threatened to kill him.

4. Learned counsel for the appellants submits that the appellants have clean antecedents. They have falsely been implicated in the present case. He further submits that from perusal of the FIR/complaint petition, it appears that no case is made out under the SC/ST (POA) Act against the appellants and in the garb of land dispute, the present case has been instituted against these appellants. As per allegation made in the FIR/complaint petition, the appellants have assaulted the informant and his family members, no injury has been received by any person in the alleged occurrence. Hence, the appellants may be granted the privilege of pre-arrest bail.

5. On the other hand, learned counsel for the respondent no. 2 and learned Special Public Prosecutor have



vehemently opposed the prayer for bail and submit that there is direct allegation against the appellants that they wanted to grab the land of the informant.

6. Considering the facts and circumstances of the case, let the above-named appellants, in the event of their arrest or surrender within a period of four weeks, 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 the SC/ST/MP/MLA Judge-cum-Additional Sessions Judge-III, Saran in connection with SC/ST P.S. Case No. 54 of 2020, Tr. No. 216 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) 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 bond shall be cancelled by the Court below.

(ii) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their bail.

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

(Rajesh Kumar Verma, J)

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