

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2414 of 2023**

Arising Out of PS. Case No.-597 Year-2020 Thana- FATUA District- Patna

SUDAMA KUMAR Son of Pokhan Das Resident of village - Maksudpur, P.S.
- Fathua, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Savita Devi Wife of Rampravesh Paswan Resident of village - Maksudpur,
P.S. - Fathua, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudra Deo, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 3 15-09-2023 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.
2. Despite valid service of notice, no one appears on
behalf of the respondent no.2.
3. This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 04.01.2023 passed by the learned Special Judge SC/ST
Act, Patna in connection with Serial No.367/2020, arising out of
Fatuha P.S. Case No.597/2020, F.I.R. dated 25.08.2020
registered under Sections 147, 148, 149, 342, 323, 354, 307,



379, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. According to FIR, the appellant along with other co-accused persons and 20-25 unknown persons came in the mohalla of the informant and started firing and misbehaved with the female members. On information, the police came and thereafter the accused persons fled away but repeatedly they came armed with pistol, lathi, bricks and assaulted the informant and her family members. The injured were treated at Fatuha hospital.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that there is no allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and the injury report of the informant side which is Annexure-3 suggest that all the injuries received by the informant side are simple in nature. He further submits that the appellant belongs to the same community, so, no case under the SC/ST Act is made out against the appellant and the police, after



investigation, submitted charge sheet against the appellant and the appellant is in custody since 19.10.2022.

6. Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. and apart from that, the appellant has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the appellant is on bail in both the cases.

7. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Patna in connection with Serial No. 367/2020, arising out of Fatuha P.S. Case No.597 of 2020, with 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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