

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2509 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- CHAKIA District- East Champaran

1. RAVI RANJAN KUMAR @ RAVI RANJAN SINGH SON OF LALAN SINGH RESIDENT OF VILLAGE- PARSAUNI KHEM, PS- CHAKIA, DISTT- EAST CHAMPARAN
2. BABUL SINGH SON OF SANJAY SINGH RESIDENT OF VILLAGE- PARSAUNI KHEM, PS- CHAKIA, DISTT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. RAGNI KUMARI WIFE OF BITU RAM @ PINTU RAM RESIDENT OF VILLAGE- PARSAUNI KHEM, PS- CHAKIA, DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the appellants and
learned Special P.P. for the State.

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 10.05.2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Chakia P.S. Case No. 137 of 2021 registered under Sections 147, 148, 194, 323, 504, 427 and 379 of the Indian Penal Code and Section and Section 3(r)(s) of SC/ST (POA) Act, whereby the prayer for bail of the appellants has been rejected.



The appellants along with others are alleged to have abused the husband of the informant by his caste name and assaulted him.

Learned counsel appearing for the appellants submits that the appellants are innocent and the allegation, as alleged in the F.I.R., is false and fabricated as the appellants have not committed any offence. He further submits that it appears from the F.I.R. that no specific allegation of assault or any overt act is attributed to the appellants. He further submits that there is no eye witness to the alleged occurrence and the entire prosecution is based on suspicion. He further submits that the accusation also does not constitute any offence attracting complicity of SC/ST Act against the appellants. Save and except suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the appellants in the alleged occurrence. He further submits that the co-accused, Sanjay Singh, Teni Mahto @ Satyadev Mahato and Rameshwar Mahato @ Ramashray Mahato have already been granted bail by different co-ordinate Benches of this Court vide order dated 08.09.2022, 05.05.2022 and 08.02.2022 passed in Cr. Appeal (SJ) No. 1468 of 2022, Cr. Appeal (SJ) No. 4618 of 2021 and Cr. Appeal (SJ) No. 4384 of 2021 respectively. The appellants are rotting in judicial custody since 20.04.2023.

Learned counsel appearing for the respondent No.2



as well learned Special P.P. for the State vehemently opposed the prayer for bail of the appellants and submits that there is direct allegation of assault against the appellants. He further submits that though appellant No.2 bears the clean antecedent but the appellant No.1 carries one more case other than the present one.

Considering the facts and circumstances of the case, let the above named appellants 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 learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Chakia P.S. Case No. 137 of 2021 subject to 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 reason, their bail bond shall be canceled by the Court below.

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

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 have concealed their criminal antecedent, 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, this appeal is allowed and the impugned order is set aside.

(Rajesh Kumar Verma, J)

brajesh/-

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

