

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3407 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- KASBA District- Purnia

Lalu Sah Son Of Babu Lal Sah @ Gautam Sah Resident Of Village - Park
Tola Garhbanaili, P.S. - Kasba, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Gauri Devi Wife of Banbari Ram Resident Of Village - Garhbanaili Ward
No.3 Lakhitola, P.S. - Kasba, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Informant	:	Mr. Dharendra Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-09-2023 Heard learned counsel appearing for the appellant,

learned counsel appearing on behalf of the respondent no. 2 and

learned Special Public Prosecutor for the State.

2. 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 vide order dated
07.07.2023 passed by the learned Special Judge SC/ST Act,
Purnea in connection with Kasba P.S. Case No. 233 of 2022,
F.I.R. dated 30.07.2022 registered under Sections 147, 149, 341,
323, 307, 354, 427, 447, 445, 504 of the Indian Penal Code and
Sections 3(1)(r)(s) 3(2)(va) of the SC/ST Act.



3. The prosecution case, in brief, is that at the time of the occurrence the informant preparing Tatti by the labour and in the meantime accused persons including the appellant and 8-10 unknown persons came and uses the caste name and broken the pillar and the appellant and accused Anita Devi caught hold the hair and torn the cloths and accused Lalu Sah tried to kill her by pressing her neck and accused Kumar Bishwas and Niraj Bishwas assaulted the informant by leg.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case and due to admitted land dispute the present occurrence had taken place. He further submits that from a bare perusal of the F.I.R. it transpires that there is general and omnibus allegation against all the accused persons including the appellant and on perusal of the F.I.R. no case is made out under the SC/ST Act against the appellant. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 26.05.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the respondent no. 2, on the other hand, vehemently opposed the prayer for bail of the appellant and submits that there is specific allegation



against the appellant that he along with other co-accused persons have assaulted the informant and apart from the aforesaid the appellant carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the appellant is on bail in all the cases.

6. 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Purnea in connection with Kasba P.S. Case No. 233 of 2022, 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 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 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.

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

(Rajesh Kumar Verma, J)

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