

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3384 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Aurangabad

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Munna Singh @ Manoj Kumar Singh Son of Paras Singh Resident of Village
- Ahiyapur, P.S.- Haspura, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Chandeshwari Devi Wife of Ganeshi Ram Resident of village - Ahiyapur,
P.S.- Haspura, District - Aurangabad.

... .. Respondent/s

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Appearance:

For the Appellant/s	:	Mr. Bishwa Bijay Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-02-2023 Learned counsel Mr. Bishwa Bijay Kumar appearing for
the appellant and learned APP Mr. Sadanand Paswan appearing
for the State are present and they are heard.

The office report goes to show that notice sent to
respondent no. 2 could not be served as the house of the
respondent no. 2 was found locked and it was found that the
respondent no. 2 had not been residing in her house for the last
some period of time.

The instant appeal has been filed under Section 14(A)(2)
of SC/ST (POA) Act against the order dated 30.08.2022 passed
by the Court of learned 1st Additional District & Sessions Judge
(SC/ST), Aurangabad in connection with SC/ST P.S. Case No.
07 of 2022 registered under Sections 147, 148, 149, 341, 323,

324, 325, 307, 379, 354(B), 504 and 506 of the Indian Penal Code and 3(i),(r),(s),(w)(i)/3(2)(va),3(2)(v) of SC/ST(POA) Act, whereby the prayer for regular bail made by the appellant had been rejected.

As per the prosecution case, in two separate incidents the appellants and other co-accused persons entered into the house of the informant and tried to outrage the modesty of the informant and her daughter and assaulted her family members causing injuries to a number of persons.

The main submissions advanced by learned counsel for the appellant are that the appellant has got no criminal antecedent and several persons were named in the FIR and any specific allegation has not been levelled against petitioner in the FIR and the appellant has been languishing in jail since 26.07.2022 and two similarly situated co-accused persons namely, Jairam Mahto and Jai Prakash Singh have been granted bail by this Court vide order passed in Cr. Appeal (SJ) No. 2639 of 2022 preferred by the said co-accused persons and the case of present petitioner also stands on similar footing.

Learned APP for the State has opposed this appeal and submits that order impugned has been rightly passed and the appellant does not deserve to the privilege of bail.

Heard both the sides and perused the order impugned as well as FIR. The FIR goes to show that twenty-seven named and

about fifty unnamed persons have been made accused in the present matter, though the petitioner is named in the FIR but against him there is no specific allegation and any specific role of him in causing injuries to the prosecution's party has not been revealed and two similarly situated co-accused persons named above are on bail granted by a co-ordinate bench of this Court in their appeal preferred by them for the relief of bail and the appellant has been languishing in jail since 26.07.2022, having fair and clean antecedent. Considering these facts, the order impugned by which the appellant has been denied bail does not appear to be proper hence, the said order stands set aside and the instant appeal stands allowed. Accordingly, let the appellant named above be enlarged 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 1st Additional District & Sessions, Judge(SC/ST), Aurangabad in connection with SC/ST P.S. (Aurangabad) Case No. 07 of 2022.

(Shailendra Singh, J)

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