

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4222 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- KALYANPUR District- Samastipur

1. Vidhyasagar Rai @ Vidhyanand Rai @ Vidya Sagar Ray Son of Ram Bilash Rai R/V- Kamargama, P.S- Kalyanpur, Dist- Samastipur
2. Chitranjan Rai @ Chitranjan Ray Son of Ram Bilash Rai R/V- Kamargama, P.S- Kalyanpur, Dist- Samastipur
3. Subod Rai @ Subodh Ray Son of Ram Bilash Rai R/V- Kamargama, P.S- Kalyanpur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Devi wife of Bhola Ram resident of village-Kamargama, P.S.- Kalyanpur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kumar Mishra, Advocates
For the Informant	:	Mr. Deepak Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-05-2023 Heard learned counsel appearing for the appellants, learned counsel appearing on behalf of the Informant (Respondent No. 2) and learned Special Public Prosecutor for the State.

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 17.10.2022 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Trial No. 1499 of 2022 arising out of Kalyanpur P.S. Case No. 20 of 2021, F.I.R. dated



20.01.2021 registered under Sections 302 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2) (va), 3(2)(v) of SC/ST (POA) Act.

The prosecution case, in short, is that on 12.01.2021 at about 16:00 O'clock the father-in-law of the informant (deceased) was returning home and on the way co-accused Harishchandra Ray and Rajkumari Devi started abusing and when he asked, why they are abusing. Thereafter, co-accused Harischandra Ray strangled the informant's father-in-law and repeatedly dashed him against a pillar of house of co-accused Janardhan Ray and in course of same, he pressed the neck of deceased and voice was choked. Other co-accused persons also came with lathi and danda and assaulted the informant and deceased and also the accused persons abused them by saying Chamar. Deceased was carried to Darbhanga for treatment and in course of treatment he died on 20.01.2021.

Learned counsel for the appellants submits that the appellants have clean antecedent and they have been falsely implicated in the present case due to admitted land dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that the date of occurrence alleged in the F.I.R. on 12.01.2021 but the present



F.I.R. was instituted on 20.01.2021 after the death of the father-in-law of the informant. He further submits that from a bare perusal of the F.I.R. it transpires that there is no specific allegation of any assault or overt act against the appellants rather there is general and omnibus allegations against the accused persons including the appellants. He further submits that co-accused namely Janardhan Rai @ Janardhan Ray has been granted bail by a Coordinate Bench of this court vide order dated 20.10.2022 passed in Cr. APP (SJ) No. 4788 of 2021 and the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 16.08.2022.

Learned counsel appearing for the Informant as well as learned Special Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the appellants.

Considering the facts and circumstances of the case, let the appellants, above named, 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 learned Special Judge SC/ST (POA) Act, Samastipur in connection with Kalyanpur P.S. Case No. 20 of 2021, with 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper 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 antecedents 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.

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

(Rajesh Kumar Verma, J)

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