

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2025 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Samastipur

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1. Nitesh Kumar Singh @ Nitish Kumar, aged about 23 years, Male, Son of Deva Nand Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 2. Pankaj Kumar Singh @ Pankaj Singh, aged about 28 years, Male, Son of Ram Vriksh Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 3. Ram Swarup Singh, aged about 56 years, Male, Son of Bangali Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 4. Mukesh Kumar Singh @ Mukesh Singh, aged about 30 years, Male, Son of Ram Swarup Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 5. Mithun Kumar, aged about 23 years, Male, Son of Ram Swarup Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 6. Shankar Singh, aged about 45 years, Male, Son of Late Ram Awatar Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 7. Ram Pukar Singh, aged about 35 years, Male, Son of Late Ram Chandra Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 8. Baijnath Singh, aged about 48 years, Male, Son of Late Ram Khelawan Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.
 9. Jago Singh @ Jageshwar Singh, aged about 50 years, Male, Son of Munna Singh, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.

... .. Appellants

Versus

1. The State of Bihar.
2. Mantu Das, Son of Late Shobit Das, R/O Village- Rajkha Rampur, P.O.- Morwa, P.S.- Tajpur, Dist.-Samastipur.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Ashok Kumar, Advocate
For the Respondent No.2:		M/S. Raja Ram Mishra, Raj Kumar and Anand Kishore, Advocates
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER



3 04-12-2024 Learned counsel for the appellants seeks permission to withdraw the anticipatory bail application filed on behalf of the appellant no. 1, namely, Nitesh Kumar Singh @ Nitesh Kumar and appellant no. 8, namely, Baijnath Singh, as they have been arrested in connection with Samastipur SC/ST P.S. Case No. 12 of 2024, pending in the court of learned Special Judge, SC/ST (POA) Act, Samastipur.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application filed on behalf of the appellant no. 1 Nitesh Kumar Singh @ Nitesh Kumar and appellant no. 8, namely, Baijnath Singh is dismissed as withdrawn.

4. Heard learned counsel for the appellant nos. 2 to 7 and 9, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

5. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal for prayer of anticipatory bail of the appellant nos. 2 to 7 and 9 vide order dated 02.04.2024, passed by the learned Special Judge, SC/ST (POA) Act, Samastipur, in A.B.P. No. 651 of 2024, arising out of Samastipur



SC/ST P.S. Case No. 12 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 436, 380, 448 of the I.P.C. and Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST (POA) Act.

6. The prosecution case, in brief, on 09.02.2024, the informant's son went missing then informant started searching for his son but his son was not found. At about 11.00 P.M., the appellant nos. 2 to 7 and 9 and the co-accused persons alongwith some unknown persons armed with weapons came to the informant's house and started assaulting the family members of the informant and burnt the informant's house and sprinkled the kerosene oil on the wife of the informant but somehow she saved her life by removing her Sari. The accused persons also took away the gold ornaments from the house of the informant.

7. It is submitted by learned counsel for the appellant nos. 2 to 7 and 9 that they are quite innocent and have falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against them. There is previous enmity between the parties for kidnapping the minor daughter of the co-accused Nitish Kumar Singh by Sudhir Kumar who is the son of the informant. The other co-accused Lal Babu Singh has already been granted regular bail by a



Bench of this Court vide Cr. Appeal (SJ) No. 2767 of 2024 under order dated 12.09.2024. The appellant nos. 2 to 7 and 9 have clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant nos. 2 to 7 and 9.

8. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant nos. 2 to 7 and 9.

9. In view of the aforesaid facts and circumstances of the case, the impugned order dated 02.04.2024, passed by learned Special Judge, SC/ST (POA) Act, Samastipur in A.B.P. No. 651 of 2024, arising out of Samastipur SC/ST P.S. Case No. 12 of 2024, is set aside against the appellant nos. 2 to 7 and 9. The criminal appeal is allowed.

10. Accordingly, the above named appellant nos. 2 to 7 and 9, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special



Judge, SC/ST (POA) Act, Samastipur in connection with
Samastipur SC/ST P.S. Case No. 12 of 2024.

(Chandra Prakash Singh, J)

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