

Arising Out of PS. Case No.-132 Year-2024 Thana- SURYAGARHA District- Lakhisarai

... .. Appellant/s

Versus

- ... Respondent/s

For the Appellant/s : Mr. Nilendu Kumar Choudhary

For the Respondent/s : Mr. Binay Krishna

3 05-10-2024 1. Heard the learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 20.07.2024 in B.P. No. 1001/2024 passed by the learned 1st Additional District and Sessions Judge, Lakhisarai in connection with Surajgarha P.S. Case No. 132/2024 registered under Sections 147, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that appellant has antecedent of two cases and is in custody since



25.04.2024. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the deceased is against Jha Jee @ Santosh Kumar and Saurav Yadav. It is next submitted that the allegation in the F.I.R. is in two parts, in the first part, the informant alleges that Santosh was driving the motorcycle, on account of which, an accident took place, in which, the maternal nephew and niece of the informant got injured, accordingly, the informant objected when it is alleged that from side of Santosh, 11 accused persons including the appellant came and thereafter an altercation took place, in which, both sides assaulted each other and Amit Kumar Dhari died on account of assault inflicted by the aforesaid two named accused persons. It is further submitted that SC/ST Act would not apply against the appellant as he also belongs to SC community. It is further submitted that apart from the fact that appellant is also alleged to have been present at the place of occurrence, no specific allegation of assault is alleged against him.

4. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for bail and submits that though it has been submitted that appellant belongs to the SC community but no documentary evidence on record has been annexed in support of the said contention, on which, the learned counsel appearing on behalf of the appellant submits that appellant will produce his



caste certificate before the learned trial court.

5. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case.

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

7. However, the learned trial court before accepting the bail bonds of the appellant shall verify the caste certificate of the appellant and in the event if it is found that appellant belongs to the SC community, in that event, his bail bonds shall be accepted forthwith but if it is found that the appellant does not belong to the SC community, in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

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