

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4413 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- MOKAMAH District- Patna

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1. Sumit Kumar S/o Mohan Singh @ Mohan Kumar R/o Village- Shivnar, P.S.- Mokamah, District- Patna
 2. Bambam Kumar @ Gopal Kumar S/o Rajesh Singh R/o Village- Shivnar, P.S.- Mokamah, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Kumar Rajak S/o Late Lakshmi Rajak R/o Village- Shivnar Ward No. 07, P.S.- Mokamah, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravish Mishra
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 27-09-2024 Heard learned counsel for the appellants as well as learned counsel for the respondent.

2. This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 07.09.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Serial No. 194 of 2024, arising out of Mokama P.S. Case No. 165 of 2024 registered for the offences punishable under Sections 448/ 323/ 307/ 379/ 504/ 506/ 34 of the Indian Penal Code read with Section 3(1)(r)(s)/ 3(2)(va) of SC and ST



(Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. As per prosecution case, the appellants along with other co-accused persons suo motu, without any rhyme or reason arrived at the house of the informant and started assaulting him with lathi and rod. When other family members came to rescue, they were also assaulted. On alarm being raised, the people gathered and the accused persons fled away. In the next episode, in course of going to hospital, in the way, the accused persons again assaulted the informant.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case. The parties have compromised the case. On the basis of compromise entered into between the parties, some of the accused persons have been granted bail. It has further been submitted that as a matter of fact, the occurrence did not take place in public view. The appellants are under custody since 20.06.2024.

5. On the other hand, the learned counsel for the informant fairly admits that the parties have compromised their case.

6. In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 07.09.2024 passed by the learned Exclusive



Special Judge, SC/ST Act, Civil Court (Sadar), Patna is set aside.

7. Considering the above-mentioned facts and circumstances, the appellants above-named, shall 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 Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Serial No. 194 of 2024, arising out of Mokama P.S. Case No. 165 of 2024.

8. Before accepting the bail bond, the learned court below shall verify the criminal antecedent of the appellants and if it is found that the appellants are involved in any other case except the case mentioned in Para-3 of the bail petition, the bail bond of the appellants shall not be accepted.

(Nawneet Kumar Pandey, J)

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