

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5327 of 2024

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

Bechan Singh @ Manoj Kumar Singh, (Male), aged about 55 years, S/O Late Dhanpat Singh, Resident of Village- Rajakha Rampur, P.S- Tajpur, Dist- Samastipur.

... .. Appellant

Versus

1. The State of Bihar.
2. Mantu Das, Son of Late Shobhit Das, Resident of Village- Rajakha Rampur, P.S- Tajpur, Dist- Samastipur.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Shyam Kishore, Advocate
for the Respondent No.2:	:	Rajeev Ranjan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-12-2024 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. 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 bail of the appellant vide order dated 12.11.2024, passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with 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), 3(1)(s), 3(1)(w)



and 3(2)(va) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that on 09.02.2024, the informant's son went missing then the informant started searching for his son but his son was not found. At about 11 P.M., the appellant alongwith the co-accused 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.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. There is no specific allegation against the appellant. There is general and omnibus allegation against the appellant. The appellant is a member of the mob. Both parties are the co-villagers. It is further submitted that some dispute was going on between the parties with respect to their children. The matter has already been compromised between some of the accused persons and the informant and to that effect a compromise petition has already been filed by the informant in the learned court below.



The other co-accused Lal Babu Singh has already been granted bail by a Bench of this Court vide Cr. Appeal (SJ) No. 2767 of 2024 under order dated 12.09.2024, annexed as Annexure-3 to the memo of appeal. The appellant has 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. The appellant is in custody since 21.10.2024.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and has further submitted that the matter has already been compromised between some of the accused persons and the informant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 12.11.2024, passed by learned Special Judge, SC/ST (POA) Act, Samastipur in SC/ST P.S. Case No. 12 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount



each to the satisfaction of the learned Special Judge, SC/ST
(POA) Act, Samastipur in connection with SC/ST P.S. Case No.
12 of 2024.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

