

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5462 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

MUKESH KUMAR SINGH @ MUKESH KUMAR S/O GAJADHAR
SINGH R/O MOHALLA- 32 B, CHAND CHAURA SHAMIR TAKIYA,
OPPASIAD GURDA BAGICHA, P.S- CHAND CHAURA, DISTT.- GAYA.
... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. SAMIR OBEROI S/O GOPAL CHAUDHARY R/O VILLAGE-
AHIYAPUR, P.S- SARMERA, DISTT.- NALANDA.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5518 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Sanjay Kumar Son of Late Ramchandra Prasad Resident of Village - Gewal
Bigaha, PS - Rampur, District Gaya
... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Sameer Oberoy Son of gopal chaudahry Resident of Village - Ahiyapur, PS
Sarmera, District Nalanda

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5462 of 2023)

For the Appellant/s : Mr. Samir Kumar
For the Respondent/s : Mrs. Usha Kumari 1
Mr. Md. Reyaz

(In CRIMINAL APPEAL (SJ) No. 5518 of 2023)

For the Appellant/s : Mr. Devashish Giri
For the Respondent/s : Mrs. Usha Kumari 1
Mr. Md. Reyaz

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-06-2024 As both these bail applications have cropped up from the

same police station case number, hence, with consent of parties,

they are being heard together and disposed of by this common

order.



2. Heard learned counsel for the appellants, learned counsel for the respondent no.2 as well as learned Special Public Prosecutor for the State.

3. 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 of prayer of bail vide order dated 21.11.2023 (Cr. APP (SJ) No.5462 of 2023) and vide order dated 31.10.2023 (Cr. APP (SJ) No.5518 of 2023) passed by learned Additional District & Sessions Judge-VI, Biharsharif, Nalanda in connection with Laheri P.S. Case No. 633 of 2022, registered under Sections 306/34 of the Indian Penal Code and Section 3(i) (r) (E) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in short, is that the appellants and other co-accused persons tortured the brother of the informant on account of shortage of cash in ATM, due to which he committed suicide.

5. It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. There is no allegation of slating the informant in the specific



name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. He further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 10.01.2024 passed in Cr. Appeal (SJ) No.2008 of 2023. Appellants have been languishing in custody since 28.10.2023.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellants are also involved in the present case.

7. In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI, Biharsharif, Nalanda in connection with Laheri P.S. Case No. 633 of 2022.

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

(Anjani Kumar Sharan, J)

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