

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2120 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Dalsingar Bind, male, aged about 71 years, son of Late Mahadeo Bind, resident of village- Lakhmanpur, P.S- Chainpur, District- Kaimur.
2. Gorakh Bind, male, aged about 35 years, son of Dalsingar Bind, resident of Village- Lakhmanpur, P.S- Chainpur, Dist.- Kaimur.
3. Chandrama Bind @ Chandraman Bind, male, aged about 29 years, son of Dalsingar Bind, resident of village- Lakhmanpur, PS-Chainpur, Dist. Kaimur
... .. Appellant/s

Versus

1. The State of Bihar
 2. Fuljhari Devi, female, wife of Bhailal Bind, resident of Village- Lakhmanpur, P.S- Chainpur, Distt.- Kaimur.
... .. Respondent/s
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Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate Ms. Madiha Hashmi, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Respondent No.2:	:	Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Vide order dated 30.07.2025, this appeal was dismissed as withdrawn in so far as it relates to appellant no.3, Chandrama Bind @ Chandraman Bind on account of his arrest during pendency of this appeal. Now, this appeal confines only with appellant nos.1 and 2.

2. Heard learned counsel for the appellants, learned counsel for respondent no.2 and 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 27.09.2024 passed by the learned Additional District & Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 115(2), 117(2), 109, 352 of *Bharatiya Nayaya Sanhita*, 2023, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(1),3(2), 3(v) of the SC/ST Act.

4. The case of the prosecution, in brief, is that on the alleged date of occurrence when the family members of the informant were filling the soil on a land which was purchased by the mother-in-law of the informant for growing vegetables etc., the appellants along with FIR named accused persons after hatching conspiracy and forming unlawful assembly came there armed with *lathi-danda*, pistol and rod and started abusing and assaulting the family members of the informant. Accused, Rabindra Bind, is alleged to have started firing which did not hit any one. Specific allegation against the appellant no.2 is that he assaulted Bhai Lal Bind causing injury to him.

5. Learned counsel for the appellants submits that



there is case and counter case between the parties. The counter case i.e., Chainpur PS Case No.264 of 2024 was instituted on 17.07.2024, whereas, the present case was lodged on 18.07.2024. Further submission is that there is long standing enmity between both the parties due to which several civil as well as criminal cases have been filed by both the parties against each other. It is also submitted that appellants' side have also received serious injuries in the aforesaid incident and their injury reports have been annexed as Annexure-3 series. It is further submitted that the allegation of assault against the appellants is totally false and fabricated. There is no injury report available in the case diary. The informant has not disclosed the nature of the injury sustained by the informant's side. Nothing incriminating material has been recovered from the place of occurrence during investigation. Lastly, it is submitted that the appellant no.1 has nine criminal cases against him while appellant no.2 has seven criminal cases against him and all the cases have been filed by the family members of the informant.

6. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 have vehemently opposed the prayer of the appellants. Learned counsel for the



respondent no.2 submits that there is direct allegation against the appellants and others that they fired and assaulted the family members of informant but they somehow escaped themselves.

7. Having considered the facts and circumstances of the case, let the above named **appellant nos.1 and 2 (Dalsingar Bind and Gorakh Bind)**, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 and further (i) that the appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the appellants are made accused in any other



case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the appellants within two weeks from the date of their surrender and furnishing bail bonds in the Court below shall appear before the SHO of their local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark their attendance till the framing of charge in the case by the trail Court.

8. The impugned order dated 27.09.2024 passed passed by the learned Additional Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024 is hereby set aside in so far as it relates to appellant nos.1 and 2.

9. The appeal stands disposed of.

(Khatim Reza, J)

J. Alam/-

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