

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3164 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- SC/ST District- Khagaria

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1. Mohan Kumar S/o Upendra Yadav R/o vill - Nanku Mandal Tola, P.S. - Muffasil, Distt. - Khagaria
 2. Pankaj Kumar @ Pankaj Yadav S/o Upendra Yadav R/o vill - Nanku Mandal Tola, P.S. - Muffasil, Distt. - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Prabhakar Kumar S/o Yogendra Paswan R/o vill - Nanku Mandal Tola, P.S. - Muffasil, Distt. - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellants 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 against the rejection of prayer for bail of the appellants vide order dated 15.06.2024 passed by the learned Additional Sessions Judge, 1st -cum Special Judge (SC/ST), Khagaria in Criminal Bail Application No. 86/2024 arising out of Khagaria(SC/ST) P.S. Case No. 05 of 2024 dated 19.02.2024 G.R. No. 16/2024 registered for the alleged offences punishable under Sections 323, 341, 307, 504, 506 read with Section 34 of the



Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, when the informant was going to the shop for purchasing kurkure for his children and when he reached near the shop of Prakash Poddar then the appellants and the co-accused persons along with 8-10 unknown miscreants armed with lathi and danda abused the informant by calling his caste name. The informant's brother namely Diwakar Kumar and Dinkar Kumar opposed the accused persons then all of them started assaulting them with iron rod and butt of pistol due to which they sustained head and back injuries. When the informant came to rescue, he was also brutally assaulted due to which he sustained head injury. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the appellants. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. Learned counsel has further submitted that the informant and his brothers have sustained injuries, the injuries are simple in nature caused by hard and blunt substance but one of the



injured sustained injuries which is grievous in nature. It is further submitted that there is no specific allegation against the appellants rather he was only the member of unlawful assembly. The co-accused person has already been granted regular bail by this court vide order dated 04.12.2024 passed in Cr. Appeal (SJ) No. 3146 of 2024. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 22.05.2024.

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

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 15.06.2024 passed by the learned Additional Sessions Judge, 1st -cum Special Judge (SC/ST), Khagaria in Criminal Bail Application No. 86/2024 arising out of Khagaria (SC/ST) P.S. Case No. 05 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st -cum Special Judge (SC/ST), Khagaria in



Criminal Bail Application No. 86/2024 arising out of Khagaria
(SC/ST) P.S. Case No. 05 of 2024, G.R. No. 16/2024.

(Chandra Prakash Singh, J)

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