

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5058 of 2024

Arising Out of PS. Case No.-199 Year-2022 Thana- MAHARAJGANJ District- Siwan

Prahlad Prasad @ Prahlad Patel S/O- Sri Kanchan Patel @ Kanchan Prasad
Village- Risavra Ps- Maharajganj Dist-Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Basfor S/o- Late Manager Basfor Village- Bherwania Ps-
Bhagwanpur Hat Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2025 Heard Mr.Arbind Kumar Singh, learned counsel for
the appellant, learned counsel for respondent No.2 and
Mr.Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 25.09.2024 passed by the learned Additional Sessions
Judge -cum-Special Judge-I, Siwan in Special Case No.01/2023
arising out of Maharajganj P.S. Case No.199 of 2022, F.I.R.
dated 28.06.2022 registered under Sections 302,120B/34 of the
Indian Penal Code read with Section 3(i)(r) (s), 2(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in short, is that some named accused alongwith 25-30 unknown persons surrounded the father and mother of the informant and assaulted them by means of sticks and punches. On information, the police brought his father to hospital in an injured condition where he was declared dead by the doctor.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that the appellant is not named in the FIR. The name of the appellant has been transpired during investigation and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against other co-accused persons rather there is general and omnibus allegation against all the accused persons and co-accused persons, namely, Chhotu Patel @ Chhotu Kumar & Ors. have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.05.2023 passed in Cr. Appeal (SJ) No.417 of 2023 and co-accused persons, namely, Rajesh Patel @ Rajesh Kumar have been granted privilege of anticipatory bail by a



Coordinate Bench of this Hon'ble Court vide order dated 20.09.2023 passed in Cr. Appeal (SJ) No.3592 of 2022 respectively. Further submits that no other cogent material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 04.09.2024.

5. Learned counsel for respondent No.2 and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant was present at the place of occurrence and he was a member of the mob.

6. Considering the aforesaid facts, appellant has clean antecedent, appellant is not named in the FIR and several named accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-1st-Cum-Special Judge, SC/ST, Siwan in connection with Special Case No.01/2023 arising out of Maharajganj P.S. Case No.199 of 2022, with the following conditions:-



(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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