

(2021) 04 PAT CK 0059

Patna High Court

Case No: Criminal Appeal (Sj) No. 1687 Of 2021

Bhaiya Ram Singh @ Bhaiya Ram
Yadav And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: April 8, 2021

Acts Referred:

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(1)(r), 3(2)(Va), 14A(2)
- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 341, 504
- Arms Act, 1959 - Section 27

Hon'ble Judges: Madhuresh Prasad, J

Bench: Single Bench

Advocate: Krishna Prasad Singh, Mithilesh Kr Singh, Binay Krishna

Final Decision: Allowed

Judgement

1. This case has been taken up for consideration today through Video Conferencing.

Heard learned senior counsel for the appellants and the learned Special PP for the State.

2 The appellants have preferred the present Appeal under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989 (for brevity, SC/ST Act) against the refusal of their prayer for regular bail vide order dated 18.01.2021 passed by Additional Sessions Judge I -

cum- Special Judge, Rohtas at Sasaram in a case registered under Sections 147, 148, 149, 341, 323, 307, 504 of Indian Penal Code, Section 27 of

Arms Act and Sections 3 (1) (r)/3 (2) (Va) of SC/ST Act in connection with Dehri Police Station (for brevity, PS) Case No 27 of 2020.

3 While the informant was on way, appellant No 1 has allegedly abused and assaulted by lathi. All other co-accused persons, thereafter, have also assaulted him and his family members, as per the prosecution case.

4 Appellants' senior counsel submits that this is a case of false implication after a free fight between the parties in which both sides have

sustained injuries. Injuries, sustained by the accused side, have been brought on record by way of Annexure 4. It is further submitted that appellant No

1 has no criminal antecedent and he is in custody since 23.12.2020. Appellant No 2 is also in custody since the same date. He, however, has earlier

been implicated in one more case by the same prosecution party. From these facts, it is evident that there is subsisting dispute between the parties

leading to false implication in this case.

5 Learned Special PP for the State has opposed the prayer for bail.

6 In my opinion, a case for grant of regular bail is made out. The impugned order dated 18.01.2021 requires interference by this Court, which is,

accordingly, set aside.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 18.01.2021 passed by Additional Sessions Judge I -cum- Special

Judge, Rohtas at Sasaram in connection with Dehri PS Case No 27 of 2020 is set aside.

8 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of

the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Rohtas at Sasaram in Dehri PS Case No 27 of 2020

subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the

appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.