

(2023) 03 RAJ CK 0011

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 191 Of 2023

Biharilal @ Bheraram And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 08-03-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 143, 307, 323, 325, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 03 RAJ CK 0011

Hon'ble Judges : Madan Gopal Vyas, J

Bench : Single Bench

Advocate : Manju Devi, S.K. Bhati

Final Decision : Allowed

Judgement

Madan Gopal Vyas, J

The instant appeal has been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No.268/2022, Police Station Raisinghnagar District Sri Ganganagar, for the offences under Sections 307, 325, 341, 323, 143 IPC and Sections 3(2)(v), 3(2)(va) of the SC/ST Act against the order dated 10.01.2023 passed by the learned Special Judge, Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Cases, Sri Ganganagar whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Ms. Manju Devi, wife of petitioner No.1 -Biharilal and mother of petitioner No.2 Kailash Rao, present-in-person, submits that similarly situated co-accused namely Mukesh, Omprakash and Arjun Rao have already been enlarged on bail by co-ordinate Bench of this Court vide orders dated 16.01.2023 and 09.02.2023 respectively and the case of the present appellants is similar to that of the co-accused. It is further submitted that none of the injuries are found to be

dangerous to life. The accused-appellants are in judicial custody since 05.12.2022 and the trial of the case will take time. It is further submitted that the learned Court below has grossly erred in law and facts as well in declining to release the appellants on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellants.

Learned Public Prosecutor has vehemently opposed the prayer for bail.

Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellants, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 10.01.2023 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Sri Ganganagar is set aside. It is ordered that the accused-appellants (1) Biharilal @ Bheraram S/o Sh. Ramlal, and (2) Kailash Rao S/o Biharilal, arrested in connection with FIR No.268/2022, Police Station Raisinghnagar, District Sri Ganganagar, shall be released on bail; provided each of them furnishes a personal bond of Rs.1,00,000/-and two surety bonds of Rs. 50,000/- each to the satisfaction of the learned trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.