
(2019) 09 JH CK 0065

In the Jharkhand High Court

Case No : Criminal Appeal (SJ) No. 696 Of 2019

Ramgati Yadav And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 24-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 379, 341, 504, 506

Citation : (2019) 09 JH CK 0065

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : A.K. Chaturvedi, Vandana Bharti

Judgement

1. Heard Mr. A.K. Chaturvedi, counsel appearing on behalf of the appellants.
2. Heard Mrs. Vandana Bharti, A.P.P. appearing on behalf of the State.
3. Nobody appears on behalf of respondent no. 2.
4. Present appeal is directed against the order dated 13.06.2019 passed by learned Special Judge SC/ST (POA) Act, Palamau at Daltonganj in Misc. Crim. Appl. No. 510 of 2019, whereby and whereunder prayer for bail of the appellants has been refused in connection with Hussainabad P.S. Case No. 87 of 2019 dated 25.03.2019 registered under sections 147, 148, 149, 341, 323, 504, 506, 307, 379 of the Indian Penal Code pending in the court of learned Special Judge SC/ST (POA) Act, Palamau at Daltonganj.
5. Counsel for the appellants submits that the appellants are in custody since 26.03.2019 and was granted provisional bail by this court vide order dated 17.07.2019. Counsel for the appellants submits that so far as nature of allegation is concerned, although the case was registered under Section 307 of the Indian Penal Code, but from perusal of the case diary it appears that injuries to the persons are simple in nature.

Counsel further submits that in the F.I.R. itself, general and omnibus allegation

has been levelled against the appellants. Counsel further submits that so far as allegation in connection with Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act is concerned, in the F.I.R. there is no specific allegation as to who had used such words. Counsel further submits that the appellants are ready to pay some amount of compensation by way of victim compensation which may be paid by the appellants but the same may not prejudice the case of the appellants before the learned court below in any manner.

6. Counsel appearing on behalf of the State opposes the prayer for bail and submits that considering the nature of allegation the appellants may not be enlarged on bail, but does not dispute the fact that nature of injury which has been recorded in the case diary are simple in nature and there are general allegation levelled against all the accused in the F.I.R. He further submits that in case this court considers it proper to grant bail to the appellants, some victim compensation may be awarded to be paid by the appellants to the injured of this case.

7. After hearing counsel for the parties and after considering the facts and circumstances of this case, this court finds that aforesaid aspect of the matter which has been argued by the counsel appearing on behalf of the appellants has not been properly considered by the learned court below while passing the impugned order dated 13.06.2019 rejecting the prayer for bail of the appellant. Accordingly, the order dated 13.06.2019 passed by the Special Judge (SC/ST) (POA) Act, Palamau at Daltonganj in Misc. Crim. Appl. No. 510 of 2019 is hereby set aside and provisional bail which has already been granted to the appellants vide order dated 17.07.2019 is hereby confirmed subject to payment of compensation to the injured at Rs. 10,000/- per victim and the appellants are directed to deposit an amount of Rs. 10,000/- for each victim within a period of three weeks from today. Said amount should be remitted to the victim upon proper identification by the learned court below.

8. If the aforesaid amount is not deposited by the appellants within three weeks from today, the provisional bail granted vide order dated 17.07.2019 will stand cancelled.