

(2023) 03 PAT CK 0028

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 3970 Of 2022

Rinku Singh @ Rinku Kumar Singh @ Rinku Kumar @ Rikku
Kumar Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 15-03-2023

Acts Referred:

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 14A(2)
Indian Penal Code, 1860 — Section 34, 323, 325, 341, 379, 504, 506
Code Of Criminal Procedure, 1973 — Section 437(3)

Citation : (2023) 03 PAT CK 0028

Hon'ble Judges : Arun Kumar Jha, J

Bench : Single Bench

Advocate : Pankaj Kumar, Usha Kumari 1, Subhash Kumar

Final Decision : Allowed

Judgement

Heard learned counsel for the appellant, learned Spl.PP for the State and learned counsel for the respondent no. 2-informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 29.08.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Special SC/ST Case No. 191 of 2021, arising out of Sabour P.S. Case No. 290 of 2021 registered for the alleged offences under Sections 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellant along with other co-accused persons assaulted the informant and his son-in-law with hockey stick, iron rod etc. and snatched a gold chain worth of Rs. 65,000/- and cash of Rs. 20,000/-. They also abused the informant taking his caste name.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The offences mentioned in the F.I.R. are all bailable in nature except Section 379 of IPC. The allegation under Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act is not attracted as the allegations are general and omnibus. It is further submitted that co-accused Rahul Singh and Alok Singh have been granted bail by a Co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Criminal Appeal (SJ) No. 2320 of 2022. The appellant is in custody since 18.04.2022 and he has got clean antecedent. Charge sheet has been submitted in this case.

Learned Spl.PP and learned counsel for the respondent No.2/informant vehemently oppose the prayer for bail made on behalf of petitioner. It is submitted on behalf of the informant that the informant and his son-in-law were brutally assaulted by the appellant and other co-accused persons and they were abused publicly.

Having regard to the submissions made hereinabove and considering the fact that the appellant is in custody for about 11 months, also considering the grant of bail to the co-accused person and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Special SC/ST Case No. 191 of 2021 arising out of Sabour P.S. Case No. 290 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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