
(2021) 03 PAT CK 0141

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 837 Of 2021

Shaligram Kapri @ Sallo Singh And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 16-03-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(i)(x), 14A(2)

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 325, 341, 447, 504

Citation : (2021) 03 PAT CK 0141

Hon'ble Judges : Madhuresh Prasad, J

Bench : Single Bench

Advocate : Balram Kapri, Sadanand Paswan

Final Decision : Allowed

Judgement

1. Heard learned 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 his prayer for regular bail vide order dated 03.03.2020 passed by Additional Sessions Judge I, Banka in a case registered under Sections 147, 148, 149, 341, 323, 325, 307, 447, 504 of Indian Penal Code and Sections 3 (i) (x) of SC/ST Act in connection with Banka Police Station (for brevity, PS) Case No 645 of 2015 dated 25.10.2015.

3 Allegation in the First Information Report (for brevity, FIR) is that the accused persons, including the petitioners, have come to the lands wherein informant along with his nephew has gone to inspect the paddy crops. Co-accused Bhola Singh and Prakash Raut have ordered to kill whereupon co-accused Bhola Singh assaulted the informant. Co-accused Prakash Raut and Pappu Raut have also been named as one of those who assaulted.

4 Learned counsel for the appellants submits that, even as per the prosecution case, specific assault and exhortation is alleged against co-accused Bhola Singh, Prakash Raut and Pappu Raut. The appellants have been implicated due to extraneous considerations as at the relevant time, they were working in their own land. The appellants, in the circumstances, are in custody since 14.02.2020, i.e., more than a year.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 03.03.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail. It is submitted that allegation is that all the accused persons have resorted to assault.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 03.03.2020 passed by Additional Sessions Judge I, Banka in connection with Banka PS Case No 645 of 2015 dated 25.10.2015 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, Banka in Banka PS Case No 645 of 2015 dated 25.10.2015 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.