

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1445 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Jitan Kumar Son Of Baliram Mahto Resident Of Village- Saraiya, P.S.
Krishnagadh, District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Chandra Gandhi, Adv.
For the Respondent/s : Mrs. Usha Kumari No. 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 06.01.2021 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 240 of 2020 arising out of Ara Muffasil P.S. Case No. 287 of 2020 registered under Sections 147, 148, 149, 341, 307, 323, 324, 302, 120B, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i) (r) (s)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he along with



other co-accused is said to have shot dead son of the informant.

The reason behind the occurrence is said to be previous enmity.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this. He submits that there is general and omnibus allegation levelled against the appellant. He submits that informant is not the eye witness of the said occurrence. He submits that according to the statement of injured Mukesh Chaudhary in para-46 of the case diary that in the birthday party all were consuming intoxicant and dance was going. Ranjeet Kumar giving money to the dancer and for that reasons a hot discussion took place. Thereafter, all named accused started indiscriminate firing upon which two bullets hit the deceased. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 11.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail **after framing of charge** on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned 1st Additional Sessions Judge,
Bhojpur, Ara in connection with SC/ST Case No. 240 of 2020
arising out of Ara Muffasil P.S. Case No. 287 of 2020

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

(Anjani Kumar Sharan, J)

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