

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2386 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- BUDHUCHAK District- Bhagalpur

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RUPESH KUMAR S/O WAKIL MANDAL R/O VILLAGE-RANI DIYARA,
P.S.-BUDDHUCHAK, DISTRICT-BHAGALPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A)(1) of the Scheduled
Castes and Scheduled Tribes Act against the refusal of prayer
for bail vide order dated 11.02.2021 passed by learned 3rd Addl.
Sessions Judge cum Special Judge, SC/ST, Bhagalpur in
connection with Buddhuchak P.S. Case No.48 of 2020
registered under sections 3(1)/(r)/(s)/3(2) (v) (va) of the SC/ST
Act.

The prosecution case in short is that while the informant
was sitting at the door of his house, the accused persons came
there and hurled abuses upon the informant. It is further alleged
that they fired with intention to kill the informant but somehow
the informant saved himself by the bullet and it hit the hand of



the informant. On hearing bullet sound, villagers assembled at the spot and the accused persons fled away after threatening to in the future he would be killed.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in the present case due to dirty village politics. No such occurrence has taken place and the allegations are concocted. There is a general and omnibus allegation against the appellant. The specific allegation of firing is against other accused persons. The appellant is only a member of the mob and no allegation is against the appellant of calling caste name. As per injury report mentioned in para-77 of the case diary, the injury is caused by firearm though the appellant has not fired at the injured. Chargesheet has been submitted in this case. Further, the accusation does not constitute any offence under SC/ST Act inasmuch as there is no allegation that the alleged occurrence has taken place in public. The appellant has been languishing in custody since 30.09.2020 and has one criminal antecedent.

Learned Spl. PP for the State vehemently opposed the prayer for bail and submitted that the allegations are serious in nature and are supported by witnesses.



Considering the aforesaid facts that there is a general and omnibus allegation against the appellant and he was only a member of the mob, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge, SC/ST, Bhagalpur in connection with Buddhuchak P.S. Case No.48 of 2020.

Impugned order dated 11.02.2021 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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