

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2370 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- BELDOUR District- Khagaria

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SUNIL SHARMA S/O LATE RANJIT SHARMA RESIDENT OF
VILLAGE-LALGOL, P.S.- BELDAUR, DISTRICT-KHAGARIA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binod Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes Act, 1989 (hereinafter in short
referred to as the 'SC/ST Act') against the refusal of prayer for
bail vide order dated 01.03.2021 passed by learned Additional
Sessions Judge 1st -cum- Special Judge (SC/ST) Act, Khagaria
in connection with Beldaur P.S. Case No.334 of 2020 registered



under sections 302, 34, 120(B) of the IPC, section 27 of the Arms Act and section 3(2)(v) of SC/ST Act.

The prosecution case in brief, is that on 16.12.2020, husband of the informant had gone for morning walk with one Sikendra Gupta Shikshak and in front of orchard of Vedanand Singh in West side of road he was caught and shot dead and dead body was thrown. One empty cartridge and front portion of bullet has been seized from the place of occurrence.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has not committed any offence as alleged in the F.I.R. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case on the basis of suspicion. Neither he is named in the F.I.R. nor was apprehended at the spot. The name of appellant came during investigation on the basis of confessional statement of co-accused as well as on the statement of witnesses. No incriminating article has been recovered from the conscious physical possession of the appellant. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly



situated co-accused namely Pintu Kumar Bhagat @ Pintu Kumar has been granted bail vide Cr.Appeal (SJ) No.2549 of 2021 dated 24.06.2021, Bittu Kumar has been granted bail vide Cr. Appeal (SJ) No.2330 of 2021 dated 19.07.2021 and Chhotu Sharma and Badal Kumar has been granted bail vide Cr. Appeal (SJ) No.2324 of 2021 dated 19.07.2021 by different co-ordinate Bench of this Court. The appellant has been languishing in custody since 09.12.2020 and has one criminal antecedent, as mentioned in supplementary affidavit dated 29.07.2021.

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

In the facts and circumstance of the case, 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 Additional Sessions Judge 1st -cum- Special Judge (SC/ST) Act, Khagaria in connection with Beldaur P.S. Case No.334 of 2020.

Impugned order dated 01.03.2021 is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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