

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 2338 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

SUDAMA KUMAR Son of Late Ramchandra Sah R/o Village- Baghi, P.S.-
Lohiyanagar, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : M/s Nasrul Huda Khan, Arjun Pd, Advocates
For the Respondent/s : Mr Binay Krishna, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 15-07-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant and the
learned Special Public Prosecutor (Special PP) for the State.

3 The appellant has 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
18.03.2021 passed by Special Judge, SC/ST Act, Begusarai in a
case registered under Sections 147, 148, 149, 341, 307, 353 of
Indian Penal Code and Sections 3 (i) (r), 3 (2v) of SC/ST Act in



connection with Town (Lohianagar OP) Police Station (for brevity, PS) Case No 65 of 2021, GR No 10 of 2021.

4 It is the case of the prosecution that 7 to 8 persons stopped the informant who is the Bodyguard of the Sub Divisional Officer, Begusarai and have assaulted him and tried to snatch the arms from his possession. The persons have fled away.

5 Learned counsel for the appellant submits that the allegation is in respect of maximum 08 persons, all of whom have been named by the informant. Appellant is not a named accused and his name has been taken by one of the co-accused during course of investigation. Such exculpatory statement has no evidentiary value. The fact of implication of a 09th person having regard to the allegation of the occurrence committed by 7 to 8 persons renders the appellant's implication improbable. It is a case of false implication based on extraneous considerations. Appellant has no criminal antecedent and he is in custody since 29.01.2021.

6 Learned Special PP has opposed the prayer for bail.

7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 18.03.2021 requires interference by this Court, which is, accordingly, set aside.



8 This appeal is allowed. The impugned order dated 18.03.2021 passed by Special Judge, SC/ST Act, Begusarai in connection with Town (Lohianagar OP) PS Case No 65 of 2021, GR No 10 of 2021 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Begusarai in Town (Lohianagar OP) PS Case No 65 of 2021, GR No 10 of 2021 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 appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2021
Transmission Date	17.07.2021

