

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2931 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

ARPAN KUMAR, Son of Arun Kumar Rai, Resident of Village - Titarwalia,
P.S.- Ekma, District - Saran- 841208.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual Court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail vide order dated 16.03.2021 by the learned Additional Sessions Judge-1 cum Special Judge (S.C./S.T. Act), Saran at Chapra, in connection Chapra Muffasil P.S. Case No. 06 of 2021 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i)(r)(s), 3 (ii) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant in association of other accused persons is said to have fired upon the son of the



informant and causing gun shot injury during treatment he died.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He further submits that there is no eye witness only on the confessional statement of co-accused, namely, Aditya Raj and on suspicion, appellant has been made accused in this case. The said co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 02.08.2021 passed in Cr. Appeal (SJ) No.2017/2021. There is no recovery from the conscious possession of the appellant. He further submits that no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 12.02.2021 and has no criminal antecedent which is mentioned in para 3 of the bail application.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts, there is no specific overt act against the appellant and similarly situated co-accused has been granted bail, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-1st cum Special Judge SC/ST Act, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 06/2021.

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

(Anjani Kumar Sharan, J)

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