

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3232 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- SAHODARA District- West Champaran

BUNNI GIRI @ RAMKISHORE BHARTI Son of Late Harihar Bharti
Resident of Village- Balua, P.S.- Sahodara, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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

3 29-10-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (As amended by Amendment Act, 2015 (Act No.1 of 2016) (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 28.06.2021 passed by learned 1st Additional Sessions Judge-cum-the Special Judge, under S.C. and S.T. Act, West Champaran, Bettiah, arising out of Trial No.106 of 2021 in connection with Sahodara P.S. Case No.16 of 2021, registered under sections 147, 149, 302 of the IPC and section 3(1)(r)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act (S.C. & S.T. Act).

The prosecution case in brief, is that on 27.02.2021,



informant's son was driving tractor of one Saddam Mian, it hit a she-goat and his son fled away but following him on motorcycle, some villagers armed with lathi, danda, caught hold of him at some distance from his house and started assaulting him. On alarm, informant rushed there but till then, they assaulted the informant's son till they believed him to be dead and fled away thereafter. 11 named accused persons including the petitioner have been identified.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case at the instance of hidden enemy due to previous enmity, ill-will and annoyance. 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 view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no eye-witness to the alleged occurrence nor the same took place near the house of the informant. Charge sheet has already been submitted in the present case. Similarly situated co-accused namely Nanhak Rai has been granted bail vide Cr. Appeal (SJ) No.3763 of 2021 dated 07.10.2021. The appellant has been languishing in custody



since 02.03.2021 and has no criminal antecedent.

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

In the facts and circumstance of the case, since there is general and omnibus kind of allegation against 11 named accused persons, 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 1st Additional Sessions Judge-cum-the Special Judge, under SC/ST Act, West Champaran, Bettiah, in connection with Sahodara P.S. Case No.16 of 2021.

The impugned order dated 28.06.2021 is set aside.

The appeal is hereby allowed.

(Anjani Kumar Sharan, J)

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