

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3227 of 2021**

Arising Out of PS. Case No.-353 Year-2020 Thana- DINARA District- Rohtas

BHOLA BHAR Son of Sheonath Bhar @ Algu Bhar Resident of Village -
Bensagar, P.S. - Dinara, District - Rohtas (Sasaram).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Adv. Ms. Priyanka Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, S.PP

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

2 24-09-2021 Heard learned senior counsel for the appellant and

learned Special Public Prosecutor for the State through virtual

court proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of bail vide order
dated 27.04.2021 passed by learned Additional District and
Sessions Judge-1st-Cum-Special Judge, Rohtas at Sasaram in
connection with Registration Case No. 08 of 2021 arising out of
Dinara P.S. Case No. 353 of 2020 registered under Sections 302,
120B/34 of the Indian Penal Code, Section 27 of the Arms Act
and Section 3 (2) (v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



As per allegation in the FIR, it is stated that the five named accused persons asked the brother of the informant to accompany them for some work. The informant's brother did not return and on making attempt to contact him on his mobile phone, the same was found to be switched off. It is stated that the next morning, dead body of his brother was recovered who had been shot dead.

It is submitted by learned senior counsel for the appellant that appellant is innocent and have been falsely implicated in this case. He submits that there is no eye witness to the said occurrence and only on the basis of suspicion petitioner has been made accused. He submits that only material against the appellant is that he was seen with the deceased on the last occasion. He submits that earlier appellant Bhola Bhar has lodged case against the informant and his brother (now deceased) vide Dina P.S. Case No. 55 of 2020 under Section 341, 380, 427, 441 of the Indian Penal Code and Dinara P.S. Case No. 290 of 2009 under Section 307, 324 of the Indian Penal Code and for that reason informant lodged the present case only with a view to revenge. He submits that similarly situated persons have been granted privilege of bail by different coordinate Bench of this Court in Cr. Appeal No. 3262 of 2021



on 23.08.2021, Cr. APP. No. 3286 of 2021 on 21.09.2021 and Cr. APP No. 3697 of 2021 on 16.09.2021. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant bears one criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 09.02.2021.

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

Considering the facts and circumstances of the case and the fact that similarly situated persons have been granted bail, let the above named appellant, be enlarged 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 the learned Additional District and Sessions Judge-1st-Cum-Special Judge, Rohtas at Sasaram in connection with Registration Case No. 08 of 2021 arising out of Dinara P.S. Case No. 353 of 2020.

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

(Anjani Kumar Sharan, J)

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