

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.942 of 2021

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

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BUDHARAM RAM @ BUDHA RAM Son of Raj Bali Ram Resident of
Village- Pithauri, P.S.- Baniyapur, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Adv.
For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 18.09.2019 passed by learned 1st Additional Sessions Judge SC/ST, Saran at Chapra in connection with Baniyapur P.S. Case No. 231 of 2019 registered under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code and Section 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that on 19.07.2019 at 4.30AM, when the brother of the informant was at his house, in the



meantime, Raju Nat and Dinesh Nat came to the informant's house and requested the brother of the informant Naushad to take a pick-up van to Pithauri Nandlal Tola for transporting animals. As soon as all the three persons reached Nandlal Tola, all the FIR named accused persons and 50-100 people started assaulting the brother of the informant, Raju Nat and Bideshi Nat, as a result all three died on the spot, leading to registration of the present case.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no eye witness of the said occurrence rather the said incident has been narrated by some other persons. He submits that similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Appeal No. 5016 of 2019 on 10.07.2020. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 19.07.2019.

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

Considering the fact that there is general and omnibus allegation against the appellant, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Court, Saran at Chapra in connection with Baniyapur P.S. Case No. 231 of 2019.

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

(Anjani Kumar Sharan, J)

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