

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3854 of 2021**

Arising Out of PS. Case No.-143 Year-2020 Thana- BELDOUR District- Khagaria

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BRAJESH SHARMA @ KANHAIYA SHARMA @ VIVEK SHARMA S/o  
Parmanand Sharma Resident of Village and P.S.- Beldaur, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**  
For the Appellant/s : Mr. Binod Kumar  
For the Respondent/s : Mrs. Usha Kumari 1

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

3      21-12-2021                      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 for bail vide order dated 10.08.2021 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Beldaur P.S. Case No. 143 of 2020 registered under Sections 147, 341, 323, 448, 307 & 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegation is of commission of abuse and assault for land dispute between the parties. Investigation of the case is already complete.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has been falsely implicated in the case due to land dispute. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 27.07.2021. Similarly situated co-accused, namely, Parmanand Sharma has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.09.2021 passed in Cr. Appeal (SJ) No.3439 of 2021.

As *prima facie* no case is made out against the appellant under the provisions of SC/ST Act, hence there is no need to issue notice to informant.

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

In the facts and circumstances of the case, the above named appellant 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 the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Beldaur P.S. Case No.143 of 2020.

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

**(Anjani Kumar Sharan, J)**

Trivedi/-

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