

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3674 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- SHIVSAGAR District- Rohtas

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1. Mukesh Tiwary Son Of Umesh Tiwary
 2. Gautam Kumar Son Of Rajmohan Sah R/O Village- Naudiha, P.S.- Sheosagar, District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunaina Devi Wife Of Rajesh Paswan R/O If Village- Manki, P.S.- Sheosagar (baddi O.P.), District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Pandey
For the Respondent/s : Mr. Saroj Kumar

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

2 02-12-2021 Heard learned counsel for the appellants 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 16.08.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sheosagar (Baddi O.P) P.S. Case No. 132 of 2021 registered under Sections 302, 120B/34 of the Indian Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereas charge-



sheet has been submitted under Sections 302, 120B, 201, 34 of the IPC and Section 3(2) (va) of the SC/ST Act.

Allegation against the appellants is that they inflicted the injuries to the son of the informant and they have thrown him. It is also alleged that during course of treatment son of the informant died.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is no eye witness to the said occurrence and only on suspicion, appellants have been made accused in the present case. He submits that similarly situated co-accused has been granted bail by this court on 01.12.2021 in Cr.APP (SJ) No. 3482 of 2021 with Cr. APP (SJ) No. 3544 of 2021. He submits that appellants have neither abused the informant nor they have assaulted anybody as such, no offence under the provisions of SC/ST Act is made out against the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition and they are languishing in judicial custody since 03.06.2021.

However, learned Spl. PP for the State and informant oppose the prayer for bail and submit that there is direct allegation against the appellants of taking the deceased on



motorcycle from his house and in pursuance of criminal conspiracy, they committed murder of Ajit Kumar.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their payer for bail is rejected in connection with Sheosagar (Baddi O.P.) P.S. Case No. 132 of 2021 pending before the court of the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram.

Accordingly, this appeal is dismissed. However, appellants are at liberty to renew their prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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