

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3735 of 2021**

Arising Out of PS. Case No.-631 Year-2020 Thana- SHERGHATI District- Gaya

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Rahul Kumar, S/o Naresh Paswan, R/o Village Pindra, P.S. Hunterganj,
District Chatra (Jharkahand), presently residing at Village Manjri, P.S. Dobhi,
District Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Akshansh Ankit

For the Respondent/s : Mr.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 P.P. 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 referred to as ‘the SC/ST Act’)
against the refusal of prayer of bail vide order dated 15.06.2021,
passed by learned Exclusive Special Judge, S.C./S.T., Gaya in
connection with Sherghati P.S. Case No.631 of 2020, registered
under Sections 302, 120(B), 34 of the Indian Penal Code, 27 of
the Arms Act and 3(2) (v) of the SC/ST Act.

The FIR named accused person along with three
others are said to have killed the husband of the informant.

Learned counsel for the appellant submits that the



appellant has falsely been implicated in the present case. The appellant is not named in the FIR. On the basis of the confessional statement of the co-accused, the appellant has been made accused in the case. It is further submitted that no case is made out under the provisions of SC/ST Act. It is submitted that merely on suspicion, the appellant has been made accused in the present case. There is no eye witness to the occurrence. It is also submitted that the appellant is in custody since 18.01.2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellants.

Having considered the facts aforesaid, let appellant, above named, 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 learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Sherghati P.S. Case No.631 of 2020.

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

(Anjani Kumar Sharan, J.)

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