

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4000 of 2021

Arising Out of PS. Case No.-541 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MD. ZUNAID @ MD. JUNAID @ JUNED S/o MD. GOSUL R/o
VILLAGE-RANGPURA, P.S-MIRGANJ AND DISTRICT-PURNEA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Verma, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office within four weeks. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14A (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 29.06.2021, passed by learned Special Judge, SC/ST (POA) Act, Purnea, in connection with Khazanchi Haat (K.Haat) P.S. Case No.541 of 2020, registered under sections 324, 302, 120(B), 34 of the IPC, section 27 of the Arms Act and section 3(2)(V) of SC and ST



(POA) Act, 1989.

The crux of the prosecution case is that husband of the informant has been killed by three unknown miscreants at her house, who came there with covered faces. It is alleged that he has been killed because of political tussle.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He has been falsely implicated in this case at the instance of his enemies. Appellant is not named in the FIR but his name transpired in the case on the basis of confessional statement of the co-accused. The appellant was not put on test identification parade though the occurrence took place in the broad day light. No incriminating article has been recovered from the conscious physical possession of the appellant. It is further submitted that no case under the SC/ST Act is made out against the appellant as the accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. In this case, the occurrence took place in the house of the deceased and there is no allegation of abuse attributed against the appellant. Therefore, no case under the SC/ST Act is made out against the appellant. Several similarly situated co-accused have been



granted bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.1811 of 2021 passed on 02.07.2021, Cr. Appeal (SJ) No.1931 of 2021 & Cr. Appeal (SJ) No.1995 of 2021 passed on 24.07.2021. The appellant has been languishing in custody since 08.10.2020 and has no criminal antecedent, which is also mentioned in para-3 of the memo of appeal.

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

Since, no allegation of abusing the deceased or his family is attributed upon the appellant and that the occurrence took place in the house of the deceased, there is no necessity of issuing notice to the informant, which is otherwise required in a case registered under the SC/ST Act.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST (POA) Act, Purnea, in connection with Khazanchi Haat (K.Haat) P.S. Case No.541 of 2020.

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

(Anjani Kumar Sharan, J)

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