

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3832 of 2021**

Arising Out of PS. Case No.-355 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

LAL BABU CHAUDHARI @ LAL BABU PATEL S/o SHRI SUBHASH
CHAUDHARI R/o VILLAGE-TEKARI, P.S-CHENARI, DISTRICT-
ROHTAS AT SASARAM.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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

3 14-12-2021 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.08.2021, passed by learned Additional District and Sessions Judge-1st-cum- Special Judge, Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No.355 of 2020, registered under section 396 of the IPC and sections 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that the daughter of the informant has been killed by unknown miscreants in her house



and the valuable articles were taken away. It is alleged that she has been shot dead and empty cartridges were lying in her house. The FIR has been lodged against unknown persons.

It is submitted by learned counsel for the appellant that the appellant is innocent and not named in the FIR. He has been falsely implicated in the case. Informant is not the eye witness of the alleged occurrence. The name of appellant transpired in this case on the basis of confessional statement of the co-accused Ashok Yadav, who has already been granted bail by this court vide order dated 09.12.2021 passed in Cr. Appeal (SJ) No.3713 of 2021. No recovery has been made from the conscious physical possession of the appellant. No TI Parade has been conducted and except the confessional statement of the co-accused, no cogent material is against the appellant. There is no specific allegation against the appellant and he has two criminal antecedents. It is further submitted that no allegation under SC/ST Act is made out against the appellant as the alleged occurrence has not taken place in public view. The appellant is languishing in jail custody since 01.03.2021.

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

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 learned Additional District and Sessions Judge-1st-cum- Special Judge, Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No.355 of 2020.

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

(Anjani Kumar Sharan, J)

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