

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3995 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- BARHARA KOTHI District- Purnia

1. BAIJU HEMBRAM Son of Late Mota Hembram Resident of Village - Udit Gram, Sirsiya, Sautari, P.S.- Barhara (Raghubansh Nagar), District - Purnea.
2. Hanju Hembram Son of Late Mota Hembram Resident of Village - Udit Gram, Sirsiya, Sautari, P.S.- Barhara (Raghubansh Nagar), District - Purnea.
3. Pappu Hembram Son of Late Shital Manjhi Resident of Village - Udit Gram, Sirsiya, Sautari, P.S.- Barhara (Raghubansh Nagar), District - Purnea.
4. Ram Lal Murmu @ Gurujee Murmu Son of Kusheshwar Murmu Resident of Village - Udit Gram, Sirsiya, Sautari, P.S.- Barhara (Raghubansh Nagar), District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Ranjan Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

2 15-12-2021 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual mode.

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

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 18.03.2021, passed by



learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Purnea in connection with Barhara P.S. Case No.17 of 2021 (Special SC/ST Case No.11 of 2021/CIS No.11 of 2021), registered u/s 364, 302, 201, 120(B) of the IPC and sections 3(2)(v-a) of SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that husband of the informant has been murdered and his dead body was thrown on near dam of V.C. Nahar. It is alleged that the deceased had a land dispute with the neighbors and that the appellants along with others have killed her husband.

It is submitted by learned counsel for the appellants that the appellants are innocent and have committed no offence as alleged in the FIR. They have been falsely implicated in this case. There is no eye-witness of the alleged occurrence and only on suspicion appellant has been made accused in this case. There is no allegation/evidence against the appellants of abusing the informant, therefore, no case under the SC/ST Act is made out. The appellants also belongs to the ST community. The appellants have no criminal antecedent and has been languishing in custody since 13.01.2021.

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

Since there is no specific allegation of abusing the



informant against the appellants, there is no need to issue notice upon the informant.

In the facts and circumstances of the case, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Purnea in connection with Barhara P.S. Case No.17 of 2021 (Special SC/ST Case No.11 of 2021/CIS No.11 of 2021) with the following conditions:-

(1) One of the bailors of each appellant will be own close relative of the appellants concerned, who will give on affidavit genealogy as to how he is related to the appellant. The bailor will also undertake to inform the court if there is any change in the address of their appellants.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the appellants is made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) Each appellants shall remain physically present in



the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by learned court concerned.

(4) The appellants shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellants shall appear before the Police Station of their local area in the first week of each month till the disposal of the present case.

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

(Anjani Kumar Sharan, J)

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