

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3883 of 2021**

Arising Out of PS. Case No.-177 Year-2021 Thana- HARNAUT District- Nalanda

1. Rajkumar Ram @ Rajkumar Son of Late Badri Ram R/o Village- Mudhari, P.S.- Harnaut, District- Nalanda.
2. Dinesh Ram Son of Late Kaji Ram R/o Village- Mudhari, P.S.- Harnaut, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Bhushan

For the Respondent/s : Mr.Usha Kumari 1

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

2 13-12-2021 Heard learned counsel for the appellants 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 09.08.2021, passed by learned First Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif (Nalanda) in connection with Harnaut P.S. Case No.177 of 2021, registered under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms Act and 3(2)(v) of the SC/ST Act.



The appellants and others are said to have killed the brother of the informant.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against the appellants. Specific allegation is against Shishupal Kumar who fired upon the deceased. It is further submitted that the appellants are in custody since 04.05.2021 and they have got no criminal antecedent as stated in para 3 of the memo of appeal. It is submitted that there is no allegation against the appellants that they abused the informant or the deceased by naming their caste so no case is made out under the SC/ST Act.

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

Having considered the facts aforesaid, let appellants, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned First Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif (Nalanda) in connection with Harnaut P.S. Case No.177 of 2021.

Accordingly, the impugned order is set aside and this



appeal is allowed.

(Anjani Kumar Sharan, J.)

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