

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3972 of 2021

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

Sanjay Ram Son Of Golu Ram R/o village- Murhari, P.S.- Harnaut, District- Nalanda

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Mukherjee, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant		Mr. Raj Kishor Prasad, Adv.
		Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 09.08.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Biharsharif 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 Sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that the



appellant along with other accused persons armed with pistol, rifle and lathi-danda in their hands came and due to old enmity on the order of Mallu Ram, Shishupal Kumar fired on the brother of the informant which hit on his left eye.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that allegation levelled against the appellant is not specific rather general and omnibus in nature. He submits that the specific allegation of firing is upon Shishupal Kumar who fired upon the deceased. He further submits that appellant bears two criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 19.06.2021.

Learned Spl. PP for the informant and State oppose the prayer for bail and submit that there is specific allegation upon co-accused Shishupal Kumar.

Considering the facts and circumstances of the case, the above named appellant, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif 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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