

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4052 of 2021**

Arising Out of PS. Case No.-461 Year-2021 Thana- KANTI District- Muzaffarpur

NIKKU KUMAR Son of Rameshwar Ram @ Ramesh Ram Resident of  
Village - Nurulapur, P.S.- Kanti (Panapur O.P.), District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mrs. Bela Singh

For the Respondent/s : Mrs. Usha Kumari 1

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

3      21-12-2021                      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 for bail vide order dated 31.08.2021 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case No. 461 of 2021 registered under Sections 302, 201 & 120B of the Indian Penal Code and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The son of the informant is said to have been



kidnapped and killed by some unknown miscreants.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. Appellant is not named in the F.I.R. During investigation the name of the appellant has been transpired in this case on the basis of CDR and mobile phone. There is no eye witness of the occurrence. Appellant belongs to SC community, hence no case is made out under the provisions of SC/ST Act. Appellant has no criminal antecedent and has been languishing in custody since 26.07.2021.

As *prima facie* no case is made out against the appellant under the provisions of SC/ST Act, hence there is no need to issue notice to informant.

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

In the facts and circumstances of the case, the above named appellant is directed to be released 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Kanti



(Panapur O.P.) P.S. Case No.461/2021.

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

**(Anjani Kumar Sharan, J)**

Trivedi/-

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