

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 360 of 2021**

Arising Out of PS. Case No.-23 Year-2000 Thana- DEOKUND District- Aurangabad

SHYAM MOHAN SHARMA Son of Late Ram Ratan Sharma Resident of
Village- Senari, P.S.- Banshi, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Shivendra Prasad, Advocate
For the Respondent/s	:	Mr Binay Krishna, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 09-07-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

3 The appellant has preferred the present Appeal under
Section 14 - A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, SC/ST Act) against the
refusal of his prayer for regular bail vide order dated 03.11.2020
passed in BP No 639 of 2020 by Additional Sessions Judge I,
Aurangabad in a case registered under Sections 147, 148, 149,
341, 343, 326, 307, 302, 120B of Indian Penal Code, Section 27 of



Arms Act and Section 17 of the Criminal Law (Amendment) Act in connection with Deokund Police Station (for brevity, *PS*) Case No 23 of 2000.

4 There is an allegation that 21 named accused persons and hundreds of unknown persons have indulged in a mass killing based on some caste rivalry.

5 It is submitted by the appellant's counsel that appellant is not one of the 21 named persons. About 80 to 90 persons, including 20 injured persons, have been examined. Only one has named the appellant. Even as per statement of this person made at paragraph 80 of case diary, at best, appellant was coming to the village at the time of occurrence. Several persons, who faced the trial, have been acquitted. The appellant was suddenly arrested on 13.02.2020 and, thereafter, he came to know that he too has been implicated in this case. Several accused persons have already been granted bail, as per details mentioned in the supplementary affidavit filed by the appellant. It is further submitted that the appellant has no other antecedents.

6 Learned Special PP has opposed the prayer for bail. It is submitted that it is a mass killing. He, however, is not in a position to deny or dispute the submission of the appellant's



counsel that there is only one person who stated about the appellant and that he was coming towards the village.

7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 03.11.2020 passed in BP No 639 of 2020 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 03.11.2020 passed in BP No 639 of 2020 by Additional Sessions Judge I, Aurangabad in connection with Deokund PS Case No 23 of 2000 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Aurangabad in Deokund PS Case No 23 of 2000 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2021
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