

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4101 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- KHAJEKALA District- Patna

Rahul Kumar Son of Shri Devi Choudhary Resident of Muhalla- Sadar Gali,
Near Kath Ki Devi Jee, P.S.- Khajekalan, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod 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 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 09.09.2021 passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 149 of 2021 arising out of Khajekalan P.S. Case No. 156 of 2021 registered under Section 302, 201, 120B, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The son of the informant is said to have been murdered by the accused persons.

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 due to mohalla politics. Appellant is not named in the F.I.R. The appellant has been made accused in this case on the confessional statement of co-accused namely Md. Raja. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has one criminal antecedent and has been languishing in custody since 13.07.2021.

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

In the facts and circumstances of the case and the fact that there is no overt act against the appellant, 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 Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 149 of 2021 arising out of Khajekalan P.S. Case No. 156 of 2021.

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

(Anjani Kumar Sharan, J)

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