

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4149 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- BARARI District- Katihar

PAWAN KUMAR @ PAWAN KUREL Son of Meghnath Kurel @ Meghnath Das Resident of Village - Barari, Santhal Tola, Kurel Patti, P.s.- Barari, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh
For the Informant	:	Mr. Rajendra Prasad Sah
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-11-2021 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual Court proceedings.

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 07.09.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with Barari P.S. Case No. 07 of 2021 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) (2) (v) (va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

The husband of the informant is said to have been shot dead by three 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 due to land dispute. Appellant is not named in the F.I.R. There is no eye witness of the occurrence. During course of investigation, the name of the appellant transpired in this case merely on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 25.07.2021.

Learned counsel for the informant and 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with Barari P.S. Case No.07 of 2021.



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

(Anjani Kumar Sharan, J)

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