

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.929 of 2021**

Arising Out of PS. Case No.-211 Year-2018 Thana- KHODAWANDPUR District- Begusarai

RAJU SHARMA Son of Ram Prakash Sharma Resident of Village - Tara
bariyarpur, P.S. - Khodawandpur, District- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

4 05-04-2021 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 23.09.2020 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 211 of 2018 registered under Sections 302/34 of the Indian Penal Code and subsequently added Sections 3 (2-VA), 3(2-V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The FIR is stated to have been filed against unknown accused persons on the allegation that the son of the informant



had gone in the night at about 9 PM on 04.10.2018, however, he did not return back and on the next morning his dead body was found.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that name of the appellant has transpired in the present case after about four months of lodging of the FIR, upon the witnesses having taken the name of the appellant, nonetheless, apart from his own confessional statement made before the parties, which has got no evidentiary value in the eyes of law, no other material is available on record so as to connect the appellant with the murder of the deceased. He submits that similarly situated co-accused has been granted privilege of bail by this Court in Cr. Appeal No. 2036 of 2020 on 03.03.2021. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 06.08.2020.

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

In 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 Special Judge, SC/ST (POA) Act, Begusarai in connection with Khowandpur P.S. Case No. 211 of 2018.

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

(Anjani Kumar Sharan, J)

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