

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.667 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- MURAR District- Buxar

MEENA RAM Son of Late Rambilash Ram Resident of Village and P.O.-
Ojha Baraw, P.S.- Murar, Dist.- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Kamal Deo Sharma
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2021 Heard Dr. Kamal Deo Sharma, learned counsel for the

appellant and Mr. Sadanand Paswan, learned A.P.P. for the State

through video conferencing.

The present appeal is directed against the order dated
27.11.2020 passed by learned Additional Sessions Judge 1st
cum Spl. Judge, Buxar in SC / ST Case No. 115 of 2020 arising
out of Murar P.S. Case No. 90 of 2020 registered under Section
302, 376 (D), 379, 307/34 of the IPC and Section 3 (2)(V) of
the SC / ST (POA) Act whereby the prayer for regular bail of
the appellant has been rejected.

The allegation as per the First Information Report is
that while the informant had gone to deposit money in bank she
was accosted by the co-accused / Bhola Yadav who along with
other accused persons forcibly took the informant to some other
place and committed rape. It has further been alleged that
thereafter the accused persons took her near a canal in the
village where appellant along with one another person arrived



there and all the accused persons after tying the son of the informant with the help of her Saree threw them in the canal due to which the son of the informant died.

Learned counsel for the appellant submits that appellant has falsely been implicated in this case due to oblique motive and he has not committed any offence in the manner alleged. Learned counsel next submits that from perusal of the First Information Report it would be evident that allegation of rape is upon Bhola Yadav and others and there is no allegation of rape against the appellant. Learned counsel next submits that SC/ST Act is also not applicable against the appellant inasmuch as he also belongs to the SC community. Learned counsel next submits that during the course of investigation no cogent material was found against the appellant. Accordingly, Police submitted final form not sending the appellant for trial. However, learned Magistrate differed with the final form and took cognizance against the appellant. Learned counsel next submits that appellant is in custody since 12.10.2020.

On the other hand, learned counsel for the State referring to the case diary submits that learned Magistrate has taken cognizance against the appellant on the basis of materials available on record.



Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that Police after investigation did not find any *prima facie* material against the appellant and accordingly submitted final form not sending the appellant for trial, I am inclined to grant regular bail to the appellant.

Accordingly this appeal is allowed and the order dated 27.11.2020 passed in SC / ST Case No. 115 of 2020 arising out of Murar P.S. Case No. 90 of 2020 is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st cum Spl. Judge, Buxar in connection with SC/ST Case No. 115 of 2020 arising out of Murar P.S. Case No. 90 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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