

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.926 of 2021

Arising Out of PS. Case No.-410 Year-2020 Thana- PHULWARISHARIF District- Patna

SUJEET KUMAR S/o GARIBAN CHOUDHARY Resident of Village-
Shaileshpuri Chuarmal Nagar, P.S.- Phulwari Sharif, Distt- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwa Ranjan Choudhary, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2021 Heard learned counsel for the appellant, informant
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 28.11.2020 passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 327 of 2020 arising out of Phulwarisharif P.S. Case No. 410 of 2020 registered under Sections 302/201/34 of the Indian Penal Code and Sections 3(ii) (e) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with Dharmendra Kumar came at the



house of the informant and took away his son. When the son of the informant did not come back in the night, his elder son came at the house of the informant and inquired about his younger brother. Thereafter, informant went to Ekta Nagar and found the dead body of his son in pond. It is said that informant has suspicion that accused persons brought his son and after killing him threw his dead body in the pond.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that appellant was seen along with the deceased. He submits that postmortem report shows that cause of death was due to Asphyxia. 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 26.07.2020.

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 Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case



No. 327 of 2020 arising out of Phulwarisharif P.S. Case No.
410 of 2020.

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

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

