

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.458 of 2022

Arising Out of PS. Case No.-138 Year-2018 Thana- AGIAON District- Bhojpur

SAJJAN DOM @ SAJAN RAM @ SAJAN DOM @ SANJAY DOM SON
OF LATE BANARSI DOM R/O VILLAGE- KAURI (KORI), P.S.-
SANDESH, DIST.- BHOJPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. AJAY KUMAR SON OF LATE LALAN RAM R/O VILLAGE- AGIAON,
P.S.- AGIAON, DIST.- BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 28-07-2022

Heard learned counsel for the appellant and
learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 11.01.2022 passed by the learned Additional
Session Judge 1st-cum-Special Judge, SC/ST, Bhojpur Ara, in
connection with B.P. No. 4958/2021 arising out of Agiaon



(Garhani) P.S. Case No. 138 of 2018 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and added 3(1) (r) (s), 3(2) (v) SC/ST (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other FIR named accused persons assaulted the father of the informant who succumbed to his injuries.

The learned counsel for the appellant submits that allegations are general and omnibus and there is no application of provisions of SC/ST (Prevention of Atrocities) Act against the appellant as the appellant also belongs to the category of Scheduled Caste. Considering the aforesaid facts, a number of co-accused persons have been granted bail by different Coordinate Benches vide order dated 19.03.2021 passed in Cr. Misc. No. 77946 of 2019, vide order dated 27.09.2019 passed in Cr. Misc. No. 45662 of 2019, vide order dated 17.08.2021 passed in Cr. Appeal (SJ) No. 3296 of 2021, vide order dated 24.09.2021 passed in Cr. Appeal (SJ) No. 3432 of 2021. The case of the appellant is similarly placed, charge sheet has been submitted and he is in custody since 14.08.2021.

Learned APP for the State opposes the prayer for



bail of the appellant submitting that the appellant and other co-accused persons assaulted the father of the informant causing his death and appellant is named in the FIR.

Having regard to the facts and circumstances of the case considering the general and omnibus nature of allegations, and further considering the fact that co-accused persons have been granted privilege of regular bail by the Coordinate Benches of this court along with the fact that charge sheet has been submitted and the appellant is in custody since 14.08.2021, the impugned order is set aside and the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -Cum-Special Judge SC/ST Bhojpur, Ara in connection with B.P. No. 4958/2021 arising out of Agiaon (Garhani) P.S. Case No. 138 of 2018, subject to the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the appeal stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.08.2022
Transmission Date	06.08.2022

