

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3318 of 2021**

Arising Out of PS. Case No.-106 Year-2016 Thana- MOTIHARI MUFASIL District- East  
Champaran

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Sujani Singh @ Shiv Shankar Singh S/o Late Roop Deo Singh R/o Village-  
Basantpur Babu Tola, P.S-Mufasil, District-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Paswan S/o- Khajana Paswan R/o- Basantpur Babu Tola, P.S.-  
Muffasil, District- East Champaran

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Saroj Kumar Sharma

For the Respondent/s : Mr. Binay Krishna

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

4      07-01-2022                      Heard learned counsel for the appellant and learned  
Special P.P. 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 referred to as ‘the SC/ST Act’)  
against the refusal of prayer of bail vide order dated 09.04.2021,  
passed by learned Additional Sessions Judge Ist, Motihari in  
connection with Mufasil P.S. Case No.106 of 2016, registered  
under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307,  
302, 447, 504 of the Indian Penal Code and 3(i)(x) of the SC/ST  
Act.

The accused persons named in the FIR are said to



have abused and assaulted the father of the informant and others.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against the appellant. It is further submitted that specific allegation is against other co-accused persons who have already been granted bail by different co-ordinate Benches of this Court vide Criminal Appeal (SJ) No.640 of 2017, dated 21.12.2017 and Criminal Appeal (SJ) No.791 of 2016, dated 16.11.2016. It is further submitted that the only allegation against the appellant is that the appellant is the member of the mob. It is also submitted that the appellant is in custody since 22.03.2021 and he has got no criminal antecedent as stated in para 3 of the memo of appeal. It is further submitted that no case is made out against the appellant under the provisions of SC/ST Act.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Having considered the fact that similarly situated other co-accused persons have already been granted bail by different co-ordinate Benches of this Court, let appellant, above named, 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 learned Additional Sessions Judge Ist, Motihari in connection with Mufasil P.S. Case No.106 of 2016.

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

**(Anjani Kumar Sharan, J.)**

Sanjay/-

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