

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3368 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- BIND District- Nalanda

RAUSHAN KUMAR S/o KAMLESH RAUT R/o village- Utarthu, P.S.-
Bind, District- Nalanda

... .. Appellant.

Versus

1. The State of Bihar.
2. Virendra Paswan @ Bijendra S/o Late Ramadhin Paswan R/o village-
Rasalpur, P.S.- Bind, District- Nalanda

... .. Respondents.

Appearance :

For the Appellant	:	Mr. Sujit Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-02-2022 Heard learned counsel for the appellant, learned
counsel for respondent no.2 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 for bail vide order
dated 06.07.2021 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Biharsharif, Nalanda in
connection with Bind P.S. Case No. 14/21 registered under
Sections 302/120B/34 of the Indian Penal Code and Section
3(1) (r) (s) and 3 (2) (v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the two sons of the informant were killed within six hours after they left their home with their tempo.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The mobile phone which was used to call the deceased belongs to co-accused Sintu Kumar. It is further submitted that there is no eye witness of the occurrence. It is also submitted that the charge has been framed against the petitioner, which is denied by learned counsel for respondent no.2. Co-accused, namely, Jitendra Prasad @ Karee has been granted bail by a co-ordinate Bench of this Court vide order dated 16.07.2021 passed in Cr. Appeal (SJ) No.2254 of 2021. Appellant has no criminal antecedent and has been languishing in custody since 04.02.2021.

Learned Special P.P. for the State and learned counsel for respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Biharsharif, Nalanda in connection with Bind P.S. Case No.14/21.

The learned Court below is directed to accept the bail bond of the petitioner if charge has already been framed.

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

(Anjani Kumar Sharan, J.)

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