

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3490 of 2021**

Arising Out of PS. Case No.-88 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

KALLU BIND SON OF RAGHUNATH BIND R/O VILLAGE-
SARANGPUR, P.S.- BHABUA, DISTRICT- KAIMUR AT BHABUA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tribhuwan Narayan
For the Respondent/s	:	Mr.Binay Krishna Mr.Pawan Kumar Singh

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

6 07-04-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.03.2021, passed by learned Additional Sessions Judge -1st cum- Special Judge, Kaimur at Bhabhua, in connection with Bhabhua P.S. Case No.88 of 2021, registered under sections 302, 379/34 of the IPC, section 27 of the Arms Act and section 3(2)(V) SC/ST Act.

Allegedly, on the order of one Chhotu Bind, the appellant has fired from his '*katta*' upon the husband of the informant, who fell down inside the canal as a result of the firearm injury.



It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to prior enmity. The occurrence has not taken place in a public view, as such, no offence under the SC/ST Act is made out against the appellant. The co-accused is the main assailant. There is no independent witness to support the allegation made in the FIR. The appellant has no criminal antecedent and has been languishing in custody since 25.02.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is a direct allegation against the appellant to fire upon the husband of the informant.

Under the aforesaid circumstances, since there is a direct allegation against the appellant, I am not inclined to enlarge the above named appellant on bail. Prayer for bail is rejected.

The appeal is accordingly dismissed.

However, court below is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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