

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.25 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- PHULWARISHARIF District- Patna

Sujit Kumar S/O Lalan Bhagat Resident Of Village- Murgiachak, P.S.-
Janipur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi W/o Late Raju Chaudhary Resident of Village- Naubatpur, P.S.-
Naubatpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sangeet Deokuliar
For the State	:	Mrs. Usha Kumari
For respondent no. 2		Mr. Prakash Kumar
		Mr. Akshansh Ankit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 6 11-05-2022 Heard learned counsel for the appellant, opposite party
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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.09.2020, passed by learned Special Judge (SC/ST Act), Patna in connection with Phulwari (Janipur) P.S. Case No. 331 of 2020, registered under Sections 147, 149, 341, 323, 379, 447, 307, 427, 337, 504, 506 of the IPC, Sections 3(i) (r) (s) of SC/ST Act and Section 27 of the Arms Act.

The appellants and several others are said to have



pelted stones at the house of the informant. One Ashok Bhagat is said to have assaulted him by means of an iron rod and on his head whereas the petitioner is alleged to have opened fire.

There is no gunshot injury.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that though the appellant has been named in the FIR but nothing specific has been alleged against him. He submits that there is general and omnibus allegation levelled against the appellant. He submits that similarly situated co-accused has already been granted bail by a Bench of this Court vide order dated 29.06.2021 in Cr. APP (SJ) No. 731 of 2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and respondent no. 2 oppose the prayer for bail.

Considering the facts that similarly situated co-accused has already been granted bail, let 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 Special Judge (SC/ST Act), Patna in connection with Phulwari (Janipur) P.S. Case No.



331 of 2020, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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