

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3675 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- BHAGWANGANJ District- Patna

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MUKESH KUMAR Son of Bhushan Singh R/O Village - Nadauna, P.S.-  
Bhagwanganj, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghunath Ravidas Son of Late Jethan Ravidas R/O Vill. - Gokhula  
Lalbagh, Ravidas Tola, P.S.- Bhagwanganj, District - Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Anish Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

3      24-03-2022              Heard learned counsel for the appellant and learned  
  
Spl.P.P. for the State. Though vakalatnama has been filed on  
  
behalf of the respondent no.2 but when the case is called out,  
  
nobody appears on behalf of the respondent no.2.

Learned counsel for the appellant undertakes to remove  
the defects within four weeks of resumption of normal court  
proceedings. In the eventuality of non-removal of defects within  
stipulated period, office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Schedule  
Caste and Schedule Tribes (Prevention of Atrocities)  
Amendment Act, 2015 (hereinafter, in short referred to as  
SC/ST Act) against the refusal of prayer for bail vide order



dated 29.07.2021, passed by learned Additional District and Sessions Judge-III-cum-Special Judge- SC/ST, Patna, in connection with Special Case No.331/2020, arising out of Bhagwanganj P.S. Case No.99 of 2020, registered under sections 147, 149, 323, 341, 324, 325, 307, 427, 354, 504, 506 of the IPC and sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

The allegation upon the appellant is of abusing and assaulting the informant and his family members.

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 the petty dispute. There is general and omnibus allegation against the appellant. It is further submitted that no offence under the SC/ST Act is made out against the appellant, as the occurrence has not taken place in a public view. Similarly situated co-accused persons have been granted by a co-ordinate Bench of this Court vide order dated 02.03.2021 passed in Cr. Appeal (SJ) No.1111/2021. The appellant has no criminal antecedent and has been languishing in custody since 28.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, considering the custody undergone and that the similarly situated several co-



accused have been granted bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Additional District and Sessions Judge-III-cum-Special Judge-SC/ST, Patna, in connection with Special Case No.331/2020, arising out of Bhagwanganj P.S. Case No.99 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

**(Anjani Kumar Sharan, J)**

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