

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3913 of 2021**

Arising Out of PS. Case No.-353 Year-2020 Thana- DINARA District- Rohtas

Birendra Sah S/O Late Gupteshwar Sah R/o village- Birikala, P.S.- Dinara,
District- Rohtas (Sasaram)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Priyanka Singh

For the Respondent/s : Mr.Sadanand Paswan

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

3 27-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceeding.

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 27.04.2021, passed by
learned Additional District and Sessions Judge-1st-cum-Special
Judge, Rohtas at Sasaram in connection with Dinara P.S. Case
No. 353 of 2020, registered under Sections 302, 120B, 34 of the
IPC, Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST
Act.

Appellant is said to have committed murder of the
brother of the informant by firearm.

It is submitted by learned counsel for the appellant that



the appellant is innocent and has not committed any offence. He submits that there is general and omnibus allegation levelled against the appellant. He submits that informant is not an eye witness to the said occurrence. He submits that similarly situated co-accused persons have already been granted bail by different bench of this Court. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 29.12.2020.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

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

Considering the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail, 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 Additional District and Sessions Judge-1st-cum-Special Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No. 353 of 2020, subject to the



conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(II) that the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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