

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3867 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Vikas Kumar Ray Son Of Late Baijnath Ray
2. Amit Kumar Ray Son Of Sri Bishundeo Ray both Resident Of Village-
Siwaisingpur, P.S. Mohiuddin Nagar, District- Samastipur Appellant/s
- Versus
- The State of Bihar Respondent/s
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Appearance :

For the Appellant/s : Mr. Shivam
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-01-2022 Heard learned counsel for the appellants 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 28.08.2021, passed by
learned 1st Additional Sessions Judge-cum-Special Judge
(SC/ST Act), Samastipur in connection with Mohiuddin Nagar
P.S. Case No. 105 of 2021, registered under Sections 394 and
397 of the IPC and Sections 3(2) (va) of SC/ST Act.

Appellants are said to have fired upon the son of the
informant as a result of which his son became injured and fell
down. It is also alleged that the accused persons took away a
bag containing laptop and cash of Rs. 1 lac and fled away.

It is submitted by learned counsel for the appellants that



the appellants is innocent and has not committed any offence. He submits that there is no specific allegation levelled against the appellants. There is no eye witness in the present case and on the basis of suspicion, appellants have been made accused. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. APP No. 3464 of 2021 on 23.09.2021. He submits that no case under SC/ST Act is made out against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal and they are languishing in judicial custody since 16.08.2021.

There is no specific allegation against the appellants 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, the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Samastipur in connection with Mohiuddin Nagar P.S. Case No. 105 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of



the appellants, who will give an affidavit giving genealogy as to who he is related with the appellants. He will also undertake to inform the court if there is any change in the address of the appellants.

(II) that the appellants will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the appellants will mark their 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 their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellants are implicated in any other case of similar nature after their 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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