

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3863 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- KHAJEKALA District- Patna

MD. RAJA S/o MD. SAROZ @ MD. SERAJ R/o MOHALLA-NOON KA
CHOURAHA, P.S-KHAJEKALAN, DISTRICT-PATNA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dharamsheela Devi Kallu Chaudhary R/o-Lala Toli, P.S.-Khajekalan,
District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Pradhan, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-03-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Since, counsel for the informant is appearing today in another case arising out of the same P.S. Case No., there is no requirement of issuing notice in this case.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against



the refusal of prayer for bail vide order dated 21.08.2021, passed by learned Additional Sessions Judge -III-cum- Special Judge, SC/ST, Patna, in connection with Special Case No.149 of 2021, arising out of Khajekala P.S. Case No.156 of 2021, registered under sections 302/ 201/ 120B/ 34 of the IPC, section 27 of the Arms Act and section 3 (2) (V) of SC & ST Act.

The prosecution case in brief, is that all the accused persons named in the F.I.R., surrounded the son of the informant and shot him dead.

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 dirty local politics. Appellant is not named in the FIR but during investigation, the informant has improved her statement and taken the name of the appellant as the person who was also involved in this occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature, as such, no offence under the SC/ST Act is made out against the appellant. The appellant has three criminal antecedents and has been languishing in custody since 29.06.2021.

Learned Spl. PP for the State opposed the prayer for bail by submitting that, the appellant, in his confessional statement



at para-72 of the case diary, has accepted that he has committed the said offence.

In the facts and circumstance of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail is hereby rejected.

Accordingly, the appeal is dismissed.

However, appellant is at liberty to renew his prayer for bail **after framing of charge.**

(Anjani Kumar Sharan, J)

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