

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3866 of 2021**

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

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SEHNAWAZ KHAN SON OF IFTARKHAR AHMAD R/O MOHALLA-
SONAR TOLI, KHAJEKALAN PATNA, P.S.- KHAJEKALAN, DISTRICT-
PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharamshila Devi Kalu Chaudhari R/o Village-Lala Toli, P.S.-Khajekalan,
District-Patna-800008

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gyanendra Kumar Shukla, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Shailendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-03-2022 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State as well as learned counsel for the

informant.

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 07.08.2021,
passed by learned Special Judge, SC/ST Act, Patna, in



connection with Special SC/ST Case No.149 of 2021, arising out of Khajekalan 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. 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 been named in this case only because he was a common friend of the victim and the main accused. No incriminating article has been recovered from the conscious physical possession of the appellant. It is further submitted that respondent no.2 has filed an application before the learned court below stating that the informant has not taken the name of the appellant as an accused before the police, in the case diary or in the F.I.R. The appellant has one criminal antecedent and has been languishing in custody since 29.06.2021.



Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the facts and circumstances of this case, 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 Special Judge, SC/ST Act, Patna, in connection with Special SC/ST Case No.149 of 2021, arising out of Khajekalan P.S. Case No.156 of 2021.

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

(Anjani Kumar Sharan, J)

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