

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3948 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- SAHPUR District- Patna

AKHILESH KUMAR Son of Late Kapildev Ray @ Kapil Rai Resident of
Village - Noorpur, Chandmari, P.s.- Shahpur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmal Ram son of Sanjiwan Mochi Resident of village- Noorpur
Chandmari, P.S.- Shahpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nitya Nand Tiwary
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-04-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Learned counsel for the appellant has filed a supplementary affidavit in this case, stating therein that notice has been received by the informant/respondent no.2 himself. This fact is also mentioned at para-5 of the supplementary affidavit and receipt slip has been enclosed in the affidavit. Accordingly, the notice has been validly served upon respondent no.2 but there is no representation on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the



‘SC/ST Act’) against the refusal of prayer for bail vide order dated 20.07.2021, passed by learned Additional District & Sessions Judge -III-cum- Special Judge SC/ST, Patna, in connection with Shahpur P.S. Case No.123 of 2021, registered under sections 341, 323, 307, 504, 34 of the IPC and section 3(1)(R)(S) of the SC/ST Act.

Allegedly, the appellant along with other accused persons came at the door of the informant and started abusing him in caste name. On protest, the informant and his son was assaulted by the appellant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to ulterior motive. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is a case and counter-case between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused has been granted bail vide order dated 16.12.2021 passed in Cr. Appeal (SJ) No.3369 of 2021 by this Court. The appellant has one criminal antecedent and has been languishing in custody since 12.06.2020.



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

In the facts and circumstance of the case, since similarly situated co-accused has 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 Additional District & Sessions Judge -III-cum- Special Judge SC/ST, Patna, in connection with Shahpur P.S. Case No.123 of 2021 (Special Case No.106 of 2021).

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

(Anjani Kumar Sharan, J)

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