

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4041 of 2021

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

SANJAY RAI @ SANJAY KUMAR Son of Ram Dhyani Rai Resident of
Village - Khorahi, Tola Raghurampur, P.S. - Shahpur, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amar Nath Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14A 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
03.09.2021 passed by learned Additional District and Sessions
Judge-III-cum-Special Judge, SC/ST Act, Patna in Special
Case No.371 of 2019 arising out of Shahpur P.S. Case No.309
of 2019, registered under sections 147, 148, 149, 341, 323,
307, 504, 506, 379, 427, 436 of the IPC and section 3(i)(r) of
the SC and ST Act.

The prosecution case in short is that the FIR named
persons and about 100 persons armed with weapons entered



into the informant's village and started looting domestic goods and setting fire in the houses, due to which, animals, food articles and other articles got burnt.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no accusation of abusing the informant's side alleged upon the petitioner. There was a caste feud between the parties in which a large number of persons participated. Several similarly situated co-accused have been granted bail by a co-ordinate Bench of this court vide Cr.Appeal (SJ) No.176 of 2021 dated 22.02.2021. The appellant has been languishing in custody since 14.08.2021 and has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail. In the facts and circumstance of the case, considering the custody of more than six months, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in Special Case No.371 of 2019 arising out of Shahpur P.S. Case No.309 of 2019.

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

(Anjani Kumar Sharan, J)

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