

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4314 of 2021**

Arising Out of PS. Case No.-87 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

ARUN KUMAR @ ARUN RAI Son of Yogindar Ray Resident of Village -
Bhagwatipur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Raju Paswan Son of Late Mangal Paswan Resident of Village- Bara Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Yugal Kishore, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Sanjay Kumar @ S.K., Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-03-2022 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. 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 08.09.2021, passed by learned 3rd Additional Sessions Judge -cum- Special Judge SC/ST (POA) Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No.87 of 2021, G.R. No.36/2021, registered under sections 302, 201/34 of the IPC and section 3(i)(r),(s)/3(2)(v) of SC/ST Act.

Allegedly, the son and nephew of the informant are said to have been killed by the appellant in association with other co-accused persons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics and on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. On Court's query, it is submitted that charge has not been framed as yet. It is also submitted that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court. The appellant has been languishing in custody since 15.06.2021 and he has one criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is



hereby rejected. However, the appellant would be at liberty to
renew his prayer for bail after framing of charge.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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