

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4307 of 2021

Arising Out of PS. Case No.-377 Year-2020 Thana- NOORSARAI District- Nalanda

1. JAGAT GOPE @ JAGAT PRASAD Son of Late Shiv Balak Gope Resident of Village- Sivan Par, P.S.- Noorsarai, District- Nalanda.
2. Jude Gope @ Rajesh Gope @ Rajesh Kumar Son of Devmunni Gope @ Ramdeo Prasad Resident of Village- Sivan Par, P.S.- Noorsarai, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivnandan Bharti
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (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-1st, Nalanda, Bihar Sharif in connection with Noorsarai P.S. Case No. 377 of 2020, registered under Sections 147, 148, 149, 341, 323, 307, 504 of the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (S) of SC/ST Act.

It is submitted by learned counsel for the appellants that



the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is direct allegation against co-accused Rampravesh Gope who fired from katta which hit the right leg of father of informant. He submits that there is admitted land dispute between the parties. He further submits that appellants has no criminal antecedent as stated in para-3 of this appeal and they are languishing in judicial custody since 05.04.2021.

There is admitted land dispute between the parties, therefore, notice is not required to the informant.

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

Considering the facts and circumstances of the case, the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Nalanda, Bihar Sharif in connection with Noorsarai P.S. Case No. 377 of 2020.

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

(Anjani Kumar Sharan, J)

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