

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4389 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- HARNAUT District- Nalanda

AJAY RAM Son of Golu Ram Resident of Village - Murhari, Police Station -
Harnaut, District - Nalanda.

... .. Appellant.

Versus

1. The State of Bihar
2. Bijendra Paswan Late Debki Paswan Village-Marahari,P.S-Harnaut,District-
Nalanda

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Ganesh Sharma
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2022 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State through virtual

Court proceedings.

From perusal of the office notes, it appears that
notice has been validly served upon respondent no.2, but none
has appeared on his behalf.

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 09.08.2021 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Nalanda at Biharsharif in



connection with Harnaut P.S. Case No. 177 of 2021 registered under Sections 147, 148, 149 & 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting at his door, the appellant in association of other co-accused is said to have armed with pistol, rifle and lathi-danda in their hands reached at the place of occurrence and on the order of Mallu Ram, Shishupal Kumar resorted firing on Hira Paswan and he died on the spot.

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 previous enmity, suspicion and dirty village politics. There is specific allegation against co-accused, Shishupal Kumar, who fired from his pistol which hit on left eye of Hira Paswan (deceased). The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant was only member of the mob. Appellant also belong to SC category, hence no offence under SC/ST Act is made out against the appellant. Appellant has been languishing in custody since 19.06.2021.



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

In the facts and circumstances of the case, the
above named appellant is directed to be released on bail on
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five
Thousand) with two sureties of the like amount each to the
satisfaction of the learned 1st Addl. Sessions Judge cum Special
Judge (SC/ST Act), Nalanda at Bihar Sharif in connection with
Harnaut P.S. Case No.177 of 2021.

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

(Anjani Kumar Sharan, J)

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