

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4458 of 2021**

Arising Out of PS. Case No.-527 Year-2018 Thana- SAKRA District- Muzaffarpur

VIKASH KUMAR RAI Son of Kamleshwar Ray @ Kameshwar Ray R/O
Vill.- Chand Pur Chiknauta (Sirajabad), P.S.- Sakra, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suraj Kumar Son of Manoranjan Paswan R/o Vill.- Sabha Mahdaiya, P.S.- Sakra, Dist.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok, Advocate

For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 18-05-2022 Vide order dated 17.11.2021, notice has been issued to respondent no.2 and in view of the order dated 02.03.2022, a supplementary affidavit has been filed by the counsel for the appellant stating therein that the mother of respondent no.2, who has received the notice, resides with the respondent no.2 in the same house.

Accordingly, notice is served validly upon the respondent no.2 but when the case is called out, there is no representation on his behalf.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

This is an appeal under section 14(2)A of the Scheduled



Castes and Scheduled Tribes Act against the refusal of prayer for bail vide order dated 25.09.2020, passed by learned 3rd Additional Sessions Judge-cum- Spl. Judge, SC/ST Act, Muzaffarpur, in connection with Sakra P.S. Case No.527 of 2018, registered under sections 341, 342, 323, 147, 149, 379, 307, 120B, 504/34 of the IPC, 27 of the Arms Act and section 3(1)(r) of the SC/ST Act.

Earlier, the prayer for regular bail of the appellant was rejected by this Court vide order dated 05.04.2021 passed in Cr. Appeal No.917 of 2021 with an observation to renew his prayer for bail after six months.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. Appellant has no criminal antecedent and is in custody since 15.09.2020.

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

Considering the observation made by this Court while rejecting the regular bail earlier, the appellant named above, 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 3rd Additional Sessions Judge-cum- Spl. Judge, SC/ST Act, Muzaffarpur, in connection with Sakra P.S. Case No.527 of 2018.

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

(Anjani Kumar Sharan, J)

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