

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4486 of 2021**

Arising Out of PS. Case No.-270 Year-2021 Thana- MINAPUR District- Muzaffarpur

RAMKISHORE RAI Son of Rameshwar Rai Resident of Village -
Kharikadih, P.s.- Minapur, O.P.- Panapur, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravi Ranjan, Advocate
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P.
For the Informant	:	Mr.Kalyan Shankar, Advocate
		Mrs.Smita Kumari, Advocate

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

5 19-05-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant undertakes to remove
the defects as pointed out by the office, 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,
1988 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 05.10.2021,
passed by learned Special Judge, SC/ST(POA) Act, Muzaffarpur



in connection with Minapur P.S. Case No.270/2021, registered under sections 341, 302, 120B/34 IPC and sections 3(1)(r)(s), 2(v, va) of the SC and ST (Prevention of Atrocities) Act.

Allegedly, the brother-in-law of the informant has been brutally assaulted by the F.I.R. named accused persons including the appellant, as a result of which, he succumbed to the injuries.

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 on account of enmity. The informant is not the eye-witness of the alleged occurrence. The appellant is aged about 62 years and only made accused in this case because his daughter was in love with deceased. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been languishing in custody since 31.07.2021 and has no criminal antecedent. Similarly situated co-accused persons namely Jawahar Rai and Baiju Rai have been granted regular bail by this Court vide Cr. Appeal (SJ) No.4599 of 2021 on 21.04.2022.

Learned Spl. PP for the State as well as learned counsel



for the informant opposed the prayer for bail by submitting that the statement of the deceased was recorded in para-3 of the case diary, in which he had specifically taken the name of the accused persons including the appellant and alleged that all the accused persons have assaulted by means of rod and post-mortem report has also supported this fact.

In the facts and circumstance of the case, considering the specific allegation against the appellant, I am not inclined to enlarge him on bail. Prayer for bail of the appellant named above is rejected.

The appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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