

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4538 of 2021**

Arising Out of PS. Case No.-238 Year-2021 Thana- TARAIYA District- Saran

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1. RAVI KUMAR @ RAVI SINGH @ RAVI RAJ Son of Jagdish Singh Resident of Village- Taraiya, P.S.- Taraiya, District- Saran (Chapra)
 2. Adarsh Singh @ Adarsh Kumar Singh Son of Saroj Singh @ Saroj Pratap Singh Resident of Village- Chainpur, P.S.- Taraiya, Dist- Saran (Chapra)

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhat Manjhi Son of Late Chhathu Manjhi R.O. Village and P.S. -Taraiya, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Vijay Kumar, Adv.

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

4 05-05-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 24.09.2021 passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST (POA) Act, Saran at Chapra, in connection with Taraiya P.S. Case No.238 of 2021, registered under sections 341, 504, 324, 307/34 of the IPC, section 27 of the Arms Act and section



3(i)(r)(s) of the SC and ST (Prevention of Atrocities) Act.

Allegedly, all the F.I.R. named accused persons including the appellants came on a motorcycle and after hurling abuses, intercepted the informant and fired upon him by means of katta, due to which, blood started oozing out from his right arm and chest. Thereafter, on alarm, people gathered there and he was taken to hospital.

It is submitted by learned counsel for the appellants that no such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case due to previous dispute. 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. It is submitted that the injury report of the informant Prabhat Manjhi is not available on record although there is allegation that the accused have fired upon him and he has sustained injury on right arm and chest. However, the injury report of the informant's brother is enclosed at Annexure-2. The appellant no.1 has four criminal antecedent and appellant no.2 has three criminal antecedent and they have been languishing in custody since 26.08.2021.

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



submitting that the appellants are also involved in the alleged offence and there is specific allegation against them.

In the facts and circumstance of the case, since the injury report of the informant is not available on record nor there is any mention of the injury of the informant in the impugned order, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge SC/ST (POA) Act, Saran at Chapra, in connection with Taraiya P.S. Case No.238 of 2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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