

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4565 of 2021

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

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1. Sanjit Ram Son Of Nageshwar Ram Resident Of Village Murhari, Police Station Harnaut, District Nalanda
 2. Rajeshwar Ram Son Of Nathuni Ram Resident Of Village Murhari, Police Station Harnaut, District Nalanda
 3. Nitish Kumar Son Of Sangit Ram @ Sanjit Ram Resident Of Village Murhari, Police Station Harnaut, District Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bijendra Paswan Late Devki Paswan Resident of Village - Murhari, Police Station -Harnaut District-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

From perusal of the office notes, it appears that notice has been validly served upon respondent no. 2, but none has appeared on their 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 of bail vide order dated 24.09.2021 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 Sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that the appellants along with other accused persons armed with pistol, rifle and lathi-danda in their hands came and due to old enmity, on the order of Mallu Ram, Shishupal Kumar fired on the brother of the informant which hit on his left eye.

It is submitted by learned counsel for the appellants that appellants are innocent and has been falsely implicated in this case. He submits that allegation levelled against the appellants are not specific rather general and omnibus in nature. He submits that the specific allegation of firing is upon Shishupal Kumar who fired upon the deceased. He submits that similarly situated co-accused have been granted bail by this Court vide order dated 13.12.2021, 14.12.2021 and 06.01.2022 passed in Cr. APP (SJ) No. 3883 of 2021, Cr. APP(SJ) 3972 of 2021 and Cr. APP (SJ) 4389 of 2021. He further submits that appellants bears no criminal antecedent as stated in para-3 of this appeal and they are languishing in



judicial custody since 24.09.2021.

However, Learned Spl. PP for the State opposes the prayer for bail and submits that there is specific allegation upon co-accused Shishupal Kumar.

Considering the facts that similarly situated co-accused has already been granted bail, 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 1st Additional 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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