

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4596 of 2021

Arising Out of PS. Case No.-87 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANJEEV KUMAR SON OF LATE LALBABU RAY RESIDENT OF
VILLAGE- CHHIT BHAGWATIPUR, P.S- ADHIYAPUR, DIST-
MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Paswan Late Mangal Paswan R/O Village-Bara Jagannath,P.S-
Ahiyapur,District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raju Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 08.02.2022, notice was directed to be
issued upon the respondent no.2 but despite valid service of
notice, there is no representation on his behalf.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, 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)
Amendment Act, 1989 (hereinafter in short referred to as the



‘SC/ST Act’) against the refusal of prayer for bail vide order dated 08.09.2021, passed by learned A.S.J.-III-cum-Spl. Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No.87 of 2021, G.R. No.36 of 2021, registered under sections 302, 201/34 of the IPC read with section 3(1)(r)(s), 3(2)(v) of the SC/ST Act.

Allegedly, the son and nephew of the informant has been killed by the F.I.R. named accused persons including the appellant.

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 personal grudge. There is no eye-witness to the alleged occurrence and only on suspicion, the appellant has been made accused in this case. 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 one criminal antecedent and has been languishing in custody since 15.06.2021. Similarly situated co-accused has been granted bail by co-ordinate bench of this Court vide Cr. Appeal (SJ) No.3059 of 2021 on 13.09.2021.



Learned Spl. PP for the State opposed the prayer for bail by submitting that the appellant and others are involved in this offence and there is serious nature of offence.

In the facts and circumstance of the case, considering the nature of offence, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

The appeal is accordingly dismissed.

However, appellant is at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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