

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4589 of 2021**

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

PANKAJ KUMAR Son of Sone Lal Paswan Resident of Village - Bara Jagarnath, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhavesh Kumar
For the Respondent/s : Mrs. Usha Kumari 1

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

2 08-02-2022

Re.: I.A. No.1 of 2021

Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State on the aforesaid I.A.

Appellant has filed the aforesaid interlocutory application for condoning the delay in preferring this appeal.

Finding the ground taken by the appellant in the aforesaid I.A. for condonation of delay made in preferring this appeal sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is accordingly allowed.

Criminal Appeal (SJ) No.4589 of 2021

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 for bail vide order dated 17.07.2021 passed by learned Additional Sessions Judge-III-cum Special Judge (SC/ST Act), Muzaffarpur in connection with Ahiyapur P.S. Case No. 87 of 2021 registered under Sections 302 & 201/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The son and Bhagina of the informant are said to have been killed by the appellant in association of other co-accused.

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 dirty village politics and on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. On Court's query, it is submitted that charge has not been framed as yet. It is also submitted that similarly situated co-accused has been granted bail by co-ordinate Bench of this Court. Appellant has been languishing in custody since 12.02.2021.

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



In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected. However, the appellant would be at liberty to renew his prayer after framing of charge.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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