

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4599 of 2021**

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

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1. JAWAHAR RAI S/o Late Shiv Rai Resident of Village- Bhelayepur, P.S.- Minapur (Panapur O.P.), District- Muzaffarpur.
  2. Baiju Rai S/o Late Jalim Rai Resident of Village- Khanika, P.S.- Minapur (Panapur O.P.), District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar S/o Mahesh Rai Resident of Village- Khidipakar, P.S.- Sahebganj, District- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.A.K.Thakur, Adv.        |
|                      | : | Mr.Pravin Kumar, Adv.      |
| For the Respondent/s | : | Mr.Binay Krishna, Spl.P.P. |
| For the Informant    | : | Mr.Kalyan Shankar, Adv.    |
|                      | : | Mrs.Smita Kumari, Adv.     |

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

3      21-04-2022              Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned counsel for the appellants 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, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order



dated 27.10.2021, passed by learned Additional Sessions Judge III cum Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Minapur P.S. Case No.270/21, registered under sections 342, 302, 120(B), 34 of the IPC and sections 3(i)(r)(s), 3(2)(v)(va) of SC/ST (Prevention of Atrocities) Act.

Allegedly, the brother-in-law of the informant was assaulted by the FIR named accused persons and some unknown persons and the injured, as a result of the injuries, died on the same day.

It is submitted by learned counsel for the appellants that no such occurrence as alleged has ever taken place. Appellants are not named in the FIR and has been falsely implicated in the case. During investigation, the statement of the A.S.I. was recorded, in which, only on suspicion, he has disclosed the name of the appellants. It is submitted that the statement of the injured is at para-3 of the case diary, in which, he has not taken the name of the appellants. Thereafter, the injured died on the same day. No offence under SC/ST Act is made out against the appellants as there is no specific allegation of abusing or assaulting the deceased is leveled against them. The appellants have no criminal antecedent and have been languishing in custody since 31.07.2021.



Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and submits that the appellants are also involved in the alleged occurrence, hence, they have been made accused in this case.

In the facts and circumstance of the case, considering that there is no specific allegation against the appellants, 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 Additional Sessions Judge III cum Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Minapur P.S. Case No.270/21.

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

**(Anjani Kumar Sharan, J)**

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