

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4588 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- KATRA District- Muzaffarpur

CHULHAI MANDAL Son of Late Awadh Bihari Mandal Resident of Village-
Yajuar, P.S.- Katra, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saroj Kumar Paswan @ Saroj Kumar Son of Baleshwar Paswan Resident of
Village- Yajuar West, P.S.- Katra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

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

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

2 08-02-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

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 01.10.2021 passed by
learned IIIrd Additional Sessions Judge -cum- Special Judge
SC/ST (POA) Act, Muzaffarpur, in connection with Katra P.S.
Case No.132 of 2021, registered under sections 341, 448, 452,
323, 324, 325, 326, 307, 353, 120(B), 504, 506/34 of the IPC
and sections 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of
Atrocities) Act.



As per the prosecution case, the FIR named accused namely Sawan and Raushan arrived the the house of the informant and started indiscriminate firing, due to which brother of the informant sustained two gunshot injuries and started bleeding.

It is submitted by learned counsel for the appellant that no such occurrence as allege has ever taken place. Appellant has been falsely implicated in the case due to dirty village politics. There is general and omnibus allegation against the appellant and the specific allegation is against co-accused Sawan Thakur to fire upon the brother of the informant. The petitioner has no concern with any of the co-accused persons. 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 appellant has one criminal antecedent and has been languishing in custody since 28.05.2021.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the informant is the local chowkidaar and he has disclosed the name of the persons involved in dealing of liquor and to take revenge, the said offence has been committed by the accused persons including the appellant.



Since the occurrence has taken place in the house of the informant, no offence under the SC/ST Act is made out against the appellant and no notice is required to be issued upon the informant.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned IIIrd Additional Session Judge -cum- Special Judge SC/ST (POA) Act, Muzaffarpur, in connection with Katra P.S. Case No.132 of 2021.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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