

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4619 of 2021

Arising Out of PS. Case No.-804 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SOHAN RAM Son of SinghamRam @ Singeshwar Ram Resident of Village -
Raghopur, Police Station- Ahiyarpur in the District of Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjeet Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

It is submitted at the outset that no SC/ST Act is
applicable against the appellant as he himself is a member of
schedule caste.

Since, the appellant is a member of SC, no offence under
the SC/ST Act is made out and there is no requirement of
issuance of notice upon the respondent no.2 for his appearance.

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) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 28.10.2021, passed by learned Additional Sessions Judge -III-cum- Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No.804 of 2018, registered under sections 302, 201, 34 of the IPC and section 3(i)(s), 3(2)(v) of SC/ST Act.

Allegedly, the brother of the informant has been killed by the FIR named accused persons including the appellant herein on account of a land dispute.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case on account of land dispute between the parties. The accusation does not constitute any offence under SC/ST Act is made out as the appellant himself is a member of the scheduled caste. Parties are agnates and there is an admitted land dispute between them. Only on suspicion, he has been made accused in this case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is an allegation against one Ajay Rai of taking



away the informant's brother (deceased) from home. Similarly situated co-accused namely Bansi Ram @ Vanshi Ram has been granted bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.995/2019 dated 03.04.2019. The appellant has been languishing in custody since 12.10.2021 and has no criminal antecedent.

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

In the facts and circumstance of the case, considering that there is no specific allegation against the appellant and similarly situated co-accused has been granted bail, 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 Additional Sessions Judge -III-cum- Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No.804 of 2018.

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

(Anjani Kumar Sharan, J)

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