

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4942 of 2021**

Arising Out of PS. Case No.-341 Year-2021 Thana- CHANDI District- Nalanda

Chhote Prasad @ Pramod Kumar Son Of Bihari Mahto Resident Of Village -
Bahadurpur, P.S.- Chandi, Distt.- Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sikandar Ravidas Son of Surendra Ravidas Resident of Village - Yogia, P.s.-
Chandi, Distt.- Nalanda.

... .. Respondent/s

Appearance :

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

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

2 19-05-2022 Heard learned counsel for the appellant, respondent no. 2
and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.10.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST Act), Bihar Sharif (Nalanda), in connection with Chandi P.S. Case No.341/2021, registered under sections 341,



323, 302, 504, 201, 34 of the IPC and 3 (i)(r)(s) (h), 3 (ii) (v) of SC/ST Act.

The prosecution case in brief, is that due to a money dispute, the brother-in-law of the informant has been beaten to death by the FIR named accused persons.

It is submitted by learned counsel for the appellant that appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to enmity. 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. There is no specific allegation against the appellant. The specific allegation is levelled upon other accused persons. Learned counsel further submits that charge has been framed against the appellant. He submits that similarly situated co-accused has been granted bail by this Court on 02.03.2022 passed in Cr. APP (SJ) No. 4492 of 2021. The appellant has no criminal antecedent and is in custody since 24.08.2021.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that appellant and other co-accused has assaulted the informant.



Considering the facts that there is no specific allegation against the appellant, let the above named appellant 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 1st Additional Sessions Judge -cum- Special Judge (SC/ST Act), Biharsharif (Nalanda), in connection with Chandi P.S. Case No.341/2021.

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

(Anjani Kumar Sharan, J)

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