

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1996 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- BELDOUR District- Khagaria

Dhiranjan Sharma son of Late Brahamdev Sharma Village- Gandhi Nagar
Itmadi Ps- Beldour Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Paswan son of Kashi Paswan Village- Gandhinagar Itmadi Ps-
Beldour Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bharat Bhushan, Advocate
For the Informant	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mrs. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 07-07-2023 Heard learned counsel appearing for the appellant,

learned counsel appearing on behalf of the respondent no. 2 and

learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail of the appellant vide order dated 22.03.2023 passed by the learned 1st Additional Sessions Judge-cum- Special Judge SC/ST Act, Khagaria in connection with Beldaur P.S. Case No. 175 of 2022, F.I.R. dated 22.08.2022 registered under Sections 341, 323, 447, 326, 307,



34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s)/3(2)(Va) of the SC/ST (POA) Act.

The prosecution case, in brief, is that the accused persons including the appellant without any rhyme or reason assaulted the informant and they fired indiscriminately causing firearm injury to one Pritam Kumar.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and the incident was taken place not in a public place hence there is no case made out under the SC/ST Act and the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 21.09.2022.

Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant and submits that the injury report of the informant suggests that the injury is grievous in nature.



Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge SC/ST, Khagaria in connection with Beldaur P.S. Case No. 175 of 2022, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



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

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

