

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2464 of 2022

Arising Out of PS. Case No.-84 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. JITENDRA RAM S/o Sabari Ram Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 2. Akhilesh Singh Son of Late Bigau Singh Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 3. Shiv Shankar Singh Son of Late Bigau Singh Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 4. Ram Surat Singh Son of Dewnath Singh Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 5. Shankar Singh Son of Rogi Singh Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 6. Kishor Bind Son of Ramji Bind Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 7. Vindhyachal Sah Son of Late Nandlal Sah Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua
 8. Bhagwan Ram Son of Late Ram Bilas Ram Resident of village- Kukurah, P.S- Sonhan, District- Kaimur Bhabhua

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hari Charan Ram Son of kashi Ram Resident of Village Kukurah, P.S.- Sonhan, District- Kaimur Bhabhua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Kumar Seth, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 15-12-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes against the rejection of
prayer for anticipatory bail vide order dated 30.03.2022 passed by the



learned A.D.J.-I-cum-Special Judge, SC/ST Act, Bhabua at Kaimur in connection with Complaint Case No. 84C/ 2018 registered for the alleged offences under Sections 147, 148, 149 and 302 of the Indian Penal Code and u/s 27 of the Arms Act and Sections 3(2)(v) (arising out of Bhabua P.S. Case No. 19/2015) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 11/ 12.01.2015 in the night, unknown miscreants are alleged to have shot younger brother of the informant dead.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. It is further submitted that the appellants have no concern with the alleged offence. Learned counsel has further submitted that the accusation under the SC/ST (Prevention of Atrocities) Act is not made out against the appellants. The appellants have no criminal antecedent whereas the appellant no. 5 has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 30.03.2022 passed by the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Bhabua at Kaimur



in connection with Complaint Case No. 84C/ 2018, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Spl. Judge SC/ST Act, Bhabua at Kaimur in connection with Complaint Case No. 84C/ 2018 (arising out of Bhabua P.S. Case NO. 19/2015) subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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