

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2907 of 2023**

Arising Out of PS. Case No.-7 Year-2023 Thana- HATHAURI District- Samastipur

Ramjeewan Ram @ Ramjeevan Ram S/O Mangal Ram R/O Village-
Rahtauli, P.S- Hathauri, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashi Bhushan Ram S/O Late Upendra Ram R/O Village- Rahtauli, P.S-
Hathauri, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-07-2023 Heard learned counsel appearing for the appellant and
learned Special Public Prosecutor for the State.

2. 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 vide order dated 19.04.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Hathauri P.S. Case No. 07 of 2023, F.I.R. dated 14.01.2023 registered under Sections 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (r)(s) of the SC/ST Act.

3. Allegation against the appellant is that he along with co-accused fired on the informant with pistol with intention to



cause death.

4. 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 a bare perusal of the F.I.R. it transpires that the F.I.R. is in two parts, in first part, the informant has not named the appellant and in second part, the informant has suspected that the appellant and other family members of the appellant have fired upon the informant. He further submits that it appears from the F.I.R. that even the informant nor sure who had fired upon the informant and merely on the basis of suspicion, the appellant has been implicated in the present false and fabricated case. He further submits that except suspicion, no other cogent material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 21.03.2023.

5. Learned Special Public Prosecutor for the State as has vehemently opposed the prayer for bail of the appellant.

6. 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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Hathauri P.S.



Case No. 07 of 2023, 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 reason, 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.

7. Accordingly, the impugned order dated 19.04.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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