

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2569 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Sanjeev Kumar S/O Late Lalbabu Ray R/O Village- Chhit Bhagwatipur, P.S.-
Adhiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raju Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-02-2023 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

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 08.09.2021, passed by
learned Additional Sessions Judge-III-cum-Special Judge SC/ST
(POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case
No. 87 of 2021, registered under Sections 302, 201/34 of the
IPC and Sections 3(i) (r) (S), 3(2)(v) of SC/ST Act.

Earlier, prayer for bail of the appellant was rejected
vide order dated 19.05.2022 passed in Cr. App (SJ) No. 4596 of
2021 with liberty to renew his prayer for bail after framing of
charge.



Appellant along with other accused persons are said to have committed murder of the son and Bhagina of the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that the charge has been framed on 02.06.2022 by the learned Special Judge, SC/ST Muzaffarpur against the appellant. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 15.06.2021.

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

Considering the facts and circumstances of the case and the fact that the charge has been framed against the appellant, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees 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 Ahiyapur P.S. Case No. 87 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to



who he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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