

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3187 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- ALOULI District- Khagaria

Nago Sada Son Of Permeshwar Sada Resident Of Village - Machhra, P.S. -
Alauli, District - Khagaria

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing for the appellant
and learned Special Public Prosecutor for the State.

2. Learned counsel for the appellant submits that the
appellant also belonged to the same community and hence there
is no need to issue notice to the Informant.

3. 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 11.05.2023 passed by the learned Additional Sessions
Judge-1st-cum-Special Judge, SC/ST Act, Khagaria in
connection with Alauli P.S. Case No. 415 of 2022, F.I.R. dated
08.09.2022 registered under Sections 147, 148, 149, 341, 323,
302, 504 & 506 of the Indian Penal Code, Section 27 of the



Arms Act and Sections 3(2) (v) SC/ST Act.

4. As per prosecution case, in brief, is that on 08.09.2022 petitioner along with other co-accused persons being armed with rifle, pistol and three nut came to the informant and accused Shila Patel abused calling caste name and ordered to fire and F.I.R. named accused with intention to kill made firing. Ramnath Sada made firing from three nut which hit on the chest of husband of informant and husband of informant dead. Tarni Sada made firing from three nut which hit Ramjugeshwar Sada in hand. Gango Sada assaulted by pistol butt on head of Ramchandra Sada causing injury and upon halla villagers gathered and accused persons fled away.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case on the basis of admitted land dispute. He further submits that from a bare perusal of the F.I.R. it transpires that on the order of Shila Patel, co-accused Ramnath Sada had fired upon the chest of the informant's husband and thereafter co-accused Tarni Sada also made firing upon Ram Yugeshwar Sada which hit on the arm. He further submits that there is no specific allegation of firing attributed against the appellant rather there is general and omnibus



allegation against all the accused persons including the appellant. He further submits that there was no intention to kill the Rameshwar Sada and due to land dispute the present occurrence had taken place and hence no case is made out under the SC/ST Act because both the parties belonged to the same community. He further submits that the similarly situated, co-accused, Gango Sada has been granted bail by this Court vide order dated 28.04.2023 passed in Cr. Appeal (SJ) No. 2054 of 2023. He further submits that the police after investigation submitted charge sheet against the appellant and the appellant is in custody since 16.02.2023.

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

7. 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 Act, Khagaria in connection with Alauli P.S. Case No. 415 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 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.

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

(Rajesh Kumar Verma, J)

Vanisha/-

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

