

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.84 of 2023

Arising Out of PS. Case No.-225 Year-2021 Thana- TEGHRHA District- Begusarai

POLU @ NEERAJ KUMAR RAJAK S/O LATE LUTAN RAJAK Resident
of village- Mutlupur, P.S.- Teghra, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. NAGAESHWAR RAJAK S/O HARDEO RAJAK Resident of village-
Mutlupur Ward No- 16, P.S.- Teghra, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-04-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 22.11.2022 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Teghra P.S. Case No. 225 of 2021, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code & 27 Arms Act and Section 3(2) (v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, four persons namely, Polu @ Neeraj Kumar Rajak (appellant), Karan Kumar, Nanne Kumar and Chikku



Kumar @ Shivam Kumar, in a pre-planned manner committed murder of the son of the informant by opening fire.

The learned counsel for the appellant has submitted that he is a person of clean antecedent. There is no eye witness. There is nothing to show complicity of the petitioner and on exactly similar footing co-accused Chikku Kumar @ Shivam Kumar has been granted bail in Cr. Appeal (SJ) No. 4738 of 2021. The appellant is under custody since 16.07.2021. He has also submitted that both the parties are of same caste as such provisions of SC/ST Act is not attracted prima facie.

In these circumstances, the appeal is allowed and the impugned order dated 22.11.2022 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai is set aside.

Accordingly, the appellant, above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Teghra P.S. Case No. 225 of 2021.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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