

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.418 of 2024

Arising Out of PS. Case No.-256 Year-2020 Thana- SAHPUR District- Patna

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Ranjan Kumar @ Ravi Ranjan Kumar, S/o Kamlesh Sharma, Resident of
Village- Pandeypur, P.S.- Neura (Bihta), District-Patna, Bihar-801103.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amarjeet Kumar, S/o Late Mithila Paswan, R/o Village- Dariyapur, P.S.-
Shahpur, District-Patna-804453.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Hemant Kumar, Advocate
		Mr. Jay Karn, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.
For Respondent No.2	:	Mr. Ravi Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-10-2024 Heard Mr. Hemant Kumar, learned Advocate for the

appellant and learned Spl. PP for the State. The respondent no.2

appears *suo motu* through Mr. Ravi Raj, learned Advocate.

2. The present appeal under Section 14(A) (2) of the
Scheduled Castes/Scheduled Tribes, Prevention of Atrocities
Act, (hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 11.12.2023, passed by the learned
Exclusive Special Judge, SC/ST Act, Patna in connection with
Shahpur P.S. case no. 256 of 2020 (Special Case No. 42 of
2021) registered for the offences punishable under Sections 302,
393 of the Indian Penal Code and Sections 3(2)(va) of the
SC/ST Act, whereby the prayer for grant of regular bail to the
appellant has been rejected.



3. Allegedly while the father of the informant was sleeping in the house, one unknown thief, aged about 25-30 years, entered into the house of the informant to commit theft and when his father protested, he was stabbed with knife. The father of the informant was taken to PMCH, however, the doctor declared him dead.

4. Drawing the attention of this Court to the F.I.R., learned Advocate for the appellant submitted that the F.I.R. has been instituted against unknown thief. During the course of investigation, the name of the petitioner along with others have been disclosed by one Manoj Kumar, who happens to be the Member of the Ward No.4 of the village. After the aforementioned disclosure, the petitioner was apprehended by the police and his confessional statement was recorded implicating him in the present crime. The appeals of other co-accused persons, whose names have been disclosed by the said Manoj Kumar, have been allowed by this Court vide Cr. Appeal (SJ) No. 835 of 2024 and Cr. Appeal (SJ) No. 3058 of 2021 (the copies of which have been marked as Annexure-2 Series). Learned Advocate for the appellant further contended that so far the penal provisions of the SC/ST Act is concerned, the same is not applicable in the present case, as the crime, in question, has not taken place on



account of the fact that the deceased being a member of the SC/ST category. Reliance has also been placed on a judgment of the Hon'ble Supreme Court in the case of **Hitesh Verma Vs State of Uttarakhand**, reported in, **(2020) 10 SCC 710**. The appellant has been incarcerated for over a period of four years i.e. from 03.10.2010.

5. On the other hand, learned Advocate for the State as well as respondent no. 2 vehemently oppose the bail application and submit that the complicity of the appellant is writ large, as he has confessed that he was one of the person, who participated in the crime, which resulted into death of the father of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody since 03.10.2020 and the case of the appellant based on parity, let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (SC/ST) Act, Patna in connection with Shahpur P.S. case no. 256 of 2020, (Special Case No. 42 of 2021) subject to the condition that one of the bailors will be the close relatives of the appellant with



further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

7. Accordingly the impugned order dated 11.12.2023 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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