

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.543 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MURLIGANJ District- Madhepura

Om Prakash Das @ Rajeev Raushan, aged about 52 years (wrongly mentioned in the impugned order as age 45 years), Gender-Male, son of Late Darogi Das, R/O Village- Rajni, Ward No.17, P.S.- Murliganj, Dist-Madhepura.

... .. Appellant

Versus

1. The State of Bihar.
2. Ranju Devi, aged about 38 years, Gender-Female, wife of Late Rajesh Hansda, R/O Village- Rajni, Ward No. 17, P.S.- Murliganj, Dist- Madhepura.

... .. Respondents

Appearance :

For the Appellant	:	Mrs. Kumari Rashmi, Advocate
For the Respondent No.2:		Mr Mohammad Farooq and Mr. Dipak Kumar,
		Advocates
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal for prayer of bail of the appellant vide order dated 04.01.2024, passed by the learned A.D.J.-1st-cum-Special Judge, Madhepura, in B.P. No. 2135 of 2023 in connection with Murliganj P.S. Case No. 451 of 2023



registered for the offences punishable under Sections 302, 120B/34 of the I.P.C., Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.

3. The prosecution case, in brief, on 23.10.2023 while the informant alongwith her husband was in her grocery shop, the co-accused Hare Ram Poddar, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav came on two motorcycles which were identified by the informant and they demanded some grocery articles. As soon as her husband started giving grocery to them, they fired on her husband from their pistols due to that he sustained injuries and fell down on the ground. On hulla, the accused persons fled away. The villagers brought her husband to Murliganj Hospital where he died. It is further alleged that in addition to the aforesaid co-accused persons, the co-accused Shekhar Yadav, Rajeev Raja, Om Prakash Das (petitioner), Pradeep Das, Ranjeet Yadav and Swet Kamal @ Bauaa Yadav were giving threatening to her husband since four years for vacating his land with an intention to grab the same otherwise they would kill him like murder of the deceased's father Babu Lal Marandi, Mangal Tutu and Kapleshwar Das. The informant believed that the aforesaid accused persons under conspiracy to each other murdered her husband.



4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is submitted that there is no allegation of firing on the deceased against the appellant. There is specific allegation of firing and causing death of informant's husband is against the co-accused, Hare Ram Poddar, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav. It is further submitted that as per F.I.R., the deceased was being threatened by the appellant and the co-accused since last four years to vacate the land only but no any sanha, complaint or F.I.R. was lodged against them. The appellant has no concern with the four co-accused persons who fired on the deceased. The appellant is a government employee. The appellant is in custody since 03.11.2023. There is no castiest remark alleged against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of



the case, the impugned order dated 04.01.2024, passed by learned A.D.J.-Ist-cum-Special Judge, Madhepura in connection with Murliganj P.S. Case No. 451 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to 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 the learned A.D.J.-Ist-cum-Special Judge, Madhepura in connection with Murliganj P.S. Case No. 451 of 2023.

(Chandra Prakash Singh, J)

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