

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.751 of 2024**

Arising Out of PS. Case No.-206 Year-2023 Thana- FESHAR District- Aurangabad

Rajesh Sao, age 40 years, Male, S/O Late Brijnandan Saw, R/O Village-
Pandey Khap, P.S.- Fesar, District- Aurangabad.

... .. Appellant

Versus

1. The State of Bihar.
2. Niranjana Kumar, age 26 years, S/O Late Jagdeo Paswan, R/O Village-
Pandey Khap, P.S.- Fesar, District- Aurangabad.

... .. Respondents

Appearance :

For the Appellant	:	Mrs. Mukul Kumari, Advocate
For the Respondent No.2:	:	None.
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. However, learned counsel for the

respondent no. 2 is not present despite information furnished by

the Spl. P.P. for the State on the respondent no. 2 through the

concerned police station.

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 19.01.2024, passed by the learned 1st



Additional Sessions Judge-cum-Special Judge, (SC/ST), Aurangabad, in B.P. No. 1345 of 2023 in connection with Fesar P.S. Case No. 206 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504 of the I.P.C. and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.

3. The prosecution case, in brief, on 14.11.2023 at 4.00 P.M., while the cousin brother of the informant, Sujeet Kumar was returning to his home after grinding flour, the co-accused Ramakant Kumar and Govind Sao stopped and assaulted him causing hand injury. When the informant's family went to the door of the co-accused Sanjay Sao for query about it, the appellant and several co-accused persons having lathi-danda in their hands came and assaulted the informant's family members due to that they sustained injuries. When the informant's grand mother, Munari Devi came to pacify the quarrel, the co-accused Dhananjay Sao assaulted with rod due to that she died. When fight was going, the appellant alongwith several co-accused were pelting bricks and stones from their roofs on the informant's family members by calling his caste name.

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. There is general and omnibus allegation against the appellant. It is further submitted that the specific allegation of assault on the deceased is against the co-accused Dhananjay Sao. The appellant is in custody since 15.11.2023. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 19.01.2024, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Fesar P.S. Case No. 206 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 1st Additional Sessions



Judge-cum-Special Judge (SC/ST) Aurangabad in connection
with Fesar P.S. Case No. 206 of 2023.

(Chandra Prakash Singh, J)

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