

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.797 of 2024

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

Ramakant Kumar S/o- Rajendra Sao @ Punjabi Sao @ Rajendra Saw Village-
Pandey Khap Ps- Fesar Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Niranjan Kumar S/o- Late Jagdeo Paswan Village- Pandey Khap Ps- Fesar
Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant : Mr.Bhaskar Shankar
For the Respondent : Mr.Usha Kumari 1

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

ORAL ORDER

3 04-10-2024 Heard learned counsel for the appellant and
learned Spl. P.P. for the State.

2. Learned counsel for the appellant is permitted
to file an affidavit showing jointness of the Opposite Party
No. 2, with his sister in course of the day.

3. 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 Special Judge SC/ST cum 1st Additional Sessions



Judge, Aurangabad, in B.P. No. 1418 of 2023 arising out of Fesar P.S. Case No. 206 of 2023, registered for the offences punishable under Sections 147, 148, 149, 325, 341, 323, 307, 302, 504 of the I.P.C. and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.

4. 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 petitioner 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 was pelting bricks and stones from their roofs on the informant's family members by calling his caste name.

5. 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. 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. The other co-accused person has already been granted bail by this court *vide* order dated 02.05.2024 passed in Cr. Appeal (SJ). 751/2024. The appellant has clean antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 16.11.2023.

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

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 19.01.2024, passed by the learned Special Judge SC/ST cum 1st Additional Sessions Judge, Aurangabad, in B.P. No. 1418 of 2023 arising out of Fesar P.S. Case No. 206 of 2023, is set aside against the appellant. The criminal appeal is allowed.



8. 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 Special Judge SC/ST cum 1st Additional Sessions Judge, Aurangabad, in B.P. No. 1418 of 2023 arising out of Fesar P.S. Case No. 206 of 2023.

(Chandra Prakash Singh, J)

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