

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.946 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

Md. Neyaz @ Neyaz Son Of Md. Shahabuddin @ Sunda Resident Of Village-
Kujibana Ps- Kadwa District -katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramod Kumar Roy Son Of Sobha Roy Resident Of Village- Kujibana Ps-
Kadwa District -katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md Musowir
For the Respondent/s	:	Mr.Binay Krishna
For the Respondent No.2	:	Mrs. Upasana Vibha Toppo

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

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor 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 of prayer of bail *vide* order dated
23.01.2024 passed by the learned A.D.J.-1. Cum- Special Judge,
SC/ST Act, Katihar in connection with Kadwa P.S. Case No.
220 of 2023 dated 03.10.2023 registered for the offence/s
punishable u/ss 307 and 120B read with 34 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(2)(va) of the



SC/ST Act.

3. As per the prosecution case, when the informant was drinking tea at Kujivana Chowk, the co-accused Sakir Reza and Banua came and started abusing the informant's brother and shot him. When the informant tried to intervene, they shot him too. Thereafter, the informant and his brother managed to escape, in the meantime, the co-accused Sakir Reza and Banua fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. The specific allegation is against the co-accused Sakir Reza and Banna. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has five criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 31.12.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 23.01.2024 passed by the learned A.D.J.-1. Cum- Special Judge, SC/ST Act, Katihar in connection with Kadwa P.S. Case No. 220 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.-1. Cum- Special Judge, SC/ST Act, Katihar in connection with Kadwa P.S. Case No. 220 of 2023, with further condition/s:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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