

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.950 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- ISLAMPUR District- Nalanda

Md. Shamim @ Samu @ Md. Shamim Miyan Son of Md. Usman RESIDENT
OF CHAKSADIQUE ISLAMPUR, POLICE STATION - ISLAMPUR,
DISTT.-NALANDA

... .. Appellant/s

Versus

1. The State of Bihar
2. Khushboo Devi Wife of late Upendra Das Resident of lohartoli islampur,
P.S.-Islampur, Distt.-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Anis Akhtar, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl PP

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

ORAL ORDER

5 29-08-2024 Heard learned counsel for the appellant 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 against the rejection of prayer for bail of the appellants vide order dated 18.12.2023 passed by the learned Additional District and Sessions Judge- VI cum Special Judge SC/ST Act, Bihar Sharif, Nalanda in connection with Islampur P.S. Case No. 462 of 2023 dated 17.08.2023 registered for the alleged offences punishable under Sections 302 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. As per prosecution case, The appellant and the co-accused persons are alleged to have killed the informant's husband and threw the dead body in the street near the house of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the appellant. As per the FIR, no member of the 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. It is further submitted that the appellant has no concern with the alleged offence. Similarly situated co-accused has already been granted bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 227 of 2024. The appellant is in custody since 18.08.2023. The appellant has clean criminal antecedent as stated at para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

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



18.12.2023 passed by the learned Additional District and Sessions Judge- VI cum Special Judge SC/ST Act, Biharsharif, Nalanda in connection with Islampur P.S. Case No. 462 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) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- VI cum Special Judge SC/ST Act, Biharsharif, Nalanda in connection with Islampur P.S. Case No. 462 of 2023, with a condition/s:-

(i). The petitioner 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 bond of the petitioner is liable to cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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