

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1366 of 2024

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

Shakir Reza @ Sakir Reja Son Of Md. Akhtar Hussain Resident Of Kujibana,
P.S. - Kadwa, District - Katihar

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Pramod Kumar Rai Son Of Soma Rai Resident Of Kujibana, P.S. - Kadwa,
District - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajit Kumar Singh, Adv.
For the informant	:	Mr. Vibha Toppo, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the informant 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 appellant vide order dated 23.01.2024 by the learned A.D.J.-I-cum-Special Judge SC/ST, Katihar in connection with Kadwa P.S. Case No. 220 of 2023 dated 03.10.2023 registered for the alleged offences punishable under Sections 307, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. As per prosecution case, the informant was taking tea at Kujiwana Chowk, in the meantime, the petitioner and the co-accused persons came there on which the informant went to another shop then his brother Ram Prasad Rai came there for taking tea and due to previous enmity, the petitioner and the co-accused started quarelling with Ram Prasad Rai during the hot talk, the petitioner abused him by calling his caste name and fired shot on Ram Prasad Rai due to which he sustained injury and started to flee away. When the informant raised alarm, the co-accused, Banua also fired a gun shot to Ram Prasad Rai and the petitioner also fired a gun shot on the informant but it did not hit him. Thereafter, the injured was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The informant and the appellant are the co-villagers. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is further submitted that the appellant has no concern with the alleged offence. As per the injury report, laceration and abrasion with charring of skin. The appellant is in custody since 29.12.2023. The appellant is accused in ten other criminal cases as stated in



para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as 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 as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 23.01.2024 by the learned A.D.J.-I-cum-Special Judge SC/ST, 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.-I-cum-Special Judge SC/ST, Katihar in connection with Kadwa P.S. Case No. 220 of 2023 with the condition :-

(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 prosecution will be at liberty to move for cancellation of his bail bond.



(ii) If the petitioner is found involved in
any other criminal case in future, his bail
bond is liable to be cancelled.

(Chandra Prakash Singh, J)

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