

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1219 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- MEHANDIGANJ District- Patna

Ranjeet Kumar @ Ranjeet Kumar Pandit S/o Om Prakash Pandit R/o Kumhar
Toli, P.S. - Mehndiganj, Dist. - Nalanda, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Indradeo Prasad S/o Late Harivansh Prasad R/o Vill - Mathura Bigha, P.S. -
Ekangar Saray, Dist. - Nalanda, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Arvind Kumar, Adv. Mr. Kumar Rajdeep, Adv. Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. PP
For the Informant/s	:	Mr. Shashi Bhusan Kumar, Adv.

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

ORAL ORDER

- 3 05-07-2024 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 against the rejection of prayer for bail vide
order dated 10.01.2024 passed by the learned Exclusive Special
Court, SC/ST (PoA) Act, Patna in Special Case No. 348 of 2023
arising out of Mehndiganj P.S. Case No. 126 of 2023 dated
10.07.2023 registered for the offence/s punishable u/ss 302,

307/34 of the Indian Penal Code read with Section 27 of the Arms Act and Section 3(2) (va) of the SC/ST (PoA) Act.

3. As per the prosecution case, on 09.07.2023, the informant received a phone call about his son that someone has shot him and during the course of treatment, he died. It is further alleged that one Vishnu Paswan also sustained bullet injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the F.I.R. The name of the appellant has sprung up in the statement of the injured Vishnu Paswan. It is further stated that as per the statement of the injured, Vishnu Paswan, the specific allegation of firing is against the co-accused Aditya Kumar. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. Similarly situated co-accused has already been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 744 of 2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 01.12.2023.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 10.01.2024 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Mehndiganj P.S. Case No. 126 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 Exclusive Special Court, SC/ST Act, Patna in connection with Mehndiganj P.S. Case No. 126 of 2023.

(Chandra Prakash Singh, J)

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