

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1576 of 2024

Arising Out of PS. Case No.-415 Year-2022 Thana- ALOULI District- Khagaria

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1. Bindeshri Sada Son of Palakdhari Sada, Resident of Village- Bhagwanpur, P.S.- Alauli (Bahadurpur), District- Khagaria.
 2. Sitaram Sada Son of Dhanik Sada, Resident of Village- Bhagwanpur, P.S.- Alauli (Bahadurpur), District- Khagaria.
 3. Bideshi Sada Son of Jaddu Sada, Resident of Village- Bhagwanpur, P.S.- Alauli (Bahadurpur), District- Khagaria.

... .. Appellants

Versus

1. The State of Bihar.
2. Bimla Devi Wife of Late Prakash Sada, Resident of Village- Bhagwanpur, P.S.- Alauli (Bahadurpur), District- Khagaria.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2024 Heard Mr. Ranjeet Kumar Singh, the learned counsel for the appellants, the learned counsel appearing on behalf of the informant and Mr. Sadanand Paswan, the learned Special Public Prosecutor appearing on behalf of the State.

2. The present appeal is filed under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (Hereinafter referred to as “SC/ST Act”), against the refusal of prayer for regular bail by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Khagaria, vide order dated 27.01.2024 passed in Criminal Bail Application No.



265 of 2023, arising out of Alauli P.S. Case No. 415 of 2022, FIR Dated 08.09.2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the India Penal Code and under Section 27 of the Arms Act and also under Sections 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, one Shila Patel along with 25 to 30 persons, variously armed, came near the informant and abused her by calling her caste name and under the orders of Shila Patel, the co-accused persons opened fire due to which various persons from informant's side became injured and due to firing made by one Ram Nath Sada, the bullet hit on the chest of informant's husband, who died on spot.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that due to admitted land dispute, the present occurrence has taken place. He further submits that although appellants are named in the FIR, but there is no specific allegation of any assault or overt act or firing attributed against these appellants, rather the allegation of firing is attributed against the co-accused persons namely, Ram Nath Sada and Tarni Sada, apart from that, the *post-mortem* report of



the deceased suggests that only bullet was found on the person of the deceased. He further submits that one co-accused person namely, Gango Sada has been granted bail by this Court vide order dated 28.04.2023 passed in Cr.App (SJ) No. 2054 of 2023 and another co-accused namely, Tarni Sada has been granted bail by a co-ordinate Bench of this Court vide order dated 14.09.2023 passed in Cr.App (SJ) No. 1971 of 2023 and another co-accused person namely, Laxman Sada has also been granted bail by a co-ordinate Bench of this Court vide order dated 21.09.2023 passed in Cr.App (SJ) No. 2114 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the appellants and the appellants are in custody since 16.08.2023.

5. The learned counsel for the informant as well as the learned Special Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the appellants and submits that appellants are named in the FIR and with a common intention, all of the co-accused persons have opened fire upon the victim.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act or firing made against these appellants and



several co-accused persons have been granted bail, let the appellants, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Khagaria, in connection with **Alauli P.S. Case No. 415 of 2022**, subject to the following conditions:

(i). Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-



mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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