

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1639 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

Sanjeev Kumar Rai S/o Devendra Rai R/o Village- Manjhaul Ward No.14,
P.S.- Chriya Bariyarpur, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Yogendra Tanti S/o Late Baiku Tanti R/o Village- Manjhaul (Satyarachowk)
ward no.14, P.S.- Cheriya Bariyarpur, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Randhir Kumar No 1, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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

ORAL ORDER

4 13-11-2024 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 27.02.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with A.B.A. No. 271 of 2024 arising out of Cheria Bariyarpur P.S. Case No. 257/2023 dated 01.09.2023 registered for the offence/s punishable u/s 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r), (s), 3(2)(va)(v) of the SC/ST (PoA) Act.



3. As per the prosecution case, the appellant and the co-accused person are alleged to have entered the house of the informant and started abusing and demanding money. When the informant's son refused to give the money, the co-accused, Rahul Kumar fired on him, causing injury on his hand and stomach. Thereafter, the accused persons fled away from the spot.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. As per the FIR, the occurrence took place inside the house and 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. Learned counsel has further submitted that the specific allegation of firing is against the co-accused, Rahul Kumar who has already been granted regular bail by this court vide order dated 18.07.2024 passed in Cr. Appeal (SJ) No. 2208 of 2024. As per the injury report, the injury is caused by hard and blunt substance, which creates doubt in the prosecution story. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has opposed the prayer



for anticipatory 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 27.02.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with A.B.A. No. 271 of 2024 arising out of Cheria Bariyarpur P.S. Case No. 257/2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory 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 Judge, SC/ST (PoA) Act, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 257/2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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