

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2078 of 2024

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

Rajan Ram @ Shajan Ram Son of Mahesh Ram Resident of Village- Pithauri
Nandlal Tola , P.S.- Baniyapur, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Md. Ajad Son of Abdul Rashid Resident of Village- Paigambarpur , P.S.-
Baniyapur, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Mili Kumari
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Shashwat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2024 Heard learned counsels for the parties.

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 04.04.2024 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Baniyapur P.S. Case No.231 of 2019, registered under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code and Section 3(i) (s) of the SC/ST Act.

3. The allegation against the appellant is that he and other



co-accused persons abused and brutally assaulted the brother of informant and two others due to which all three of them died on spot.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant is not named in the FIR, he has been made accused during the course of investigation. There is no allegation against the appellant to tamper the evidence. There is no specific overt act against the appellant. He further submitted that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court in Cr. APP (SJ) No.4459 of 2021 vide order dated 10.03.2022. Appellant is in judicial custody since 14.03.2024. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as well as considering the period of custody, let the above named appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned
1st Additional Sessions Judge cum Special Judge (SC/ST Act),
Saran at Chapra in connection with Baniyapur P.S. Case
No.231 of 2019.

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

(Anjani Kumar Sharan, J)

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