

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2049 of 2024

In
CRIMINAL MISCELLANEOUS No.62025 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SHEOHAR District- Sheohar

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Ramdayal Ram son of Budhu Ram Resident of Village and Post- Pardeshiya
@ Madhubani, P.S.- Sheohar, Dist.- Sheohar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Lokesh Kumar, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Pandey, Spl.PP
For the Informant/s	:	Mr. Hanslal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 25-07-2024 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
27.07.2023 passed by the learned ADJ-Ist-Cum-Special Judge,
Sheohar in connection with Sheohar P.S. Case No. 59/2023
dated 26.03.2023 registered for the offence/s punishable u/s 363,
302, 201 and 34 of the Indian Penal Code and Sections 3(2)(v)
(w)(i) of the SC/ST Act.



3. As per the prosecution case, the appellant and other co-accused persons Pawan Sah and Aman Ram took the aunt of the informant along with her 15 month old child for sanctioning loan but she did not return. After two day, the dead body of the aunt of the informant was found in the bamboo orchard of Shailendra Singh. The 15 month old child of the informant's aunt was still missing. It is further alleged that the husband of the deceased could disclose something about the occurrence.

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 FIR. The name of the appellant has sprung up in the confessional statement of co-accused Aman Ram and Pawan Sah. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The similarly situated co-accused person has been granted bail vide order dated 28.06.2024 in Cr. App.(S.J) No. 188 of 2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 19.07.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently



opposed the prayer of bail.

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 27.07.2023 passed by the learned ADJ-Ist-Cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 59/2023 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 ADJ-Ist-Cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 59/2023.

(Chandra Prakash Singh, J)

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