

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2236 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- BIRPUR District- Supaul

Md. Jashed @ Jamshed Alam S/o- Samaun Village- Ghoraghat W.No-5, Ps-Balua Bazar Dist- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Ram son of Lakhan Ram Village- Kushahar Maul W.No-7, Ps-Balua Bazar Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 21-09-2024

Heard the learned counsel for the parties.

2. This memo of appeal has been preferred on behalf of the appellant under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, hereinafter to be referred to as ‘the Act’, for setting aside the order dated 22.04.2024 passed by the learned Additional Sessions Judge-1-cum-Special Judge (SC/ST), Supaul in connection with Birpur (Balua Bazar O.P.) Case No. 34 of 2024, registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code and Sections 3(2) (v-a) of ‘the Act’, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, the appellant including other accused persons abducted the brother of the informant and threw his dead-body in the river after killing him.



4. The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated on account of village politics. He is in custody for no fault of his since 31.01.2024, having no criminal background. It is also submitted that the provision of SC/ST Act is also not attracted as the occurrence is not said to have taken place in public view.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail.

6. Considering the above facts and circumstances, and also keeping in view the period of incarceration since 31.01.2024, the appeal is allowed and the impugned order dated 22.04.2024 is set aside. Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge (SC/ST), Supaul in connection with Birpur (Balua Bazar O.P.) Case No. 34 of 2024.

(Nawneet Kumar Pandey, J)

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