

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2208 of 2024**

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

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Rahul Kumar S/o Sanjeev Kumar Rai R/o vill - Manjhaul, ward no. 14, P.S. -
Chriya Bariyarpur, Distt. - Begusarai

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr.Randhir Kumar No 1, Advocate
For the Respondent	:	Mr.Sadanand Paswan, Sp.PP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

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

ORAL ORDER

3 18-07-2024 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
20.02.2024 passed by the learned Exclusive Special Judge,
SC/ST Act, Begusarai in connection with 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



Act.

3. As per the prosecution case, the appellant and the co-accused persons 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 appellant fired on him, causing injury on his hand and stomach.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, 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 submitted that the allegation against the appellant is of firing but as per the injury report, the injury is caused by hard and blunt substance, which creates doubt in the prosecution story. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.11.2023.

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. Learned counsel for the informant has submitted that the specific allegation of firing is against the appellant. Learned counsel for the informant has further submitted that the injury is grievous in nature caused



by hard and blunt substance.

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 20.02.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with 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, 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 Exclusive Special Judge, SC/ST Act, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 257/2023, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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