

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3080 of 2024

Arising Out of PS. Case No.-266 Year-2020 Thana- SONBERSA District- Sitamarhi

NAGESHWAR RAI SON OF LATE RAJENDRA RAI RESIDENT OF
VILLAGE - MAYURWA, P.S. - SONBARSA, DISTRICT - SITAMARHI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SARASWATI DEVI WIFE OF RAM SHRESHTH PASWAN RESIDENT
OF VILLAGE - SONBARSA, P.S. - SONBARSA, DISTRICT -
SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parwej Khan, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-09-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2024, she informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 for bail vide order dated 06.06.2024 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in



connection with Sonbarsa P.S. Case No. 266 of 2020 registered under Sections 147, 148, 149, 342, 323, 307, 302, 324 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the FIR named accused persons including the appellant along with some unknown miscreants are said to have assaulted the informant's son and his friend, namely, Suraj Kumar brutally due to which they sustained injuries and thereafter they were declared dead by the doctor.

5. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is totally false and based on concocted facts. It is further submitted that this is a case of mob lynching. Appellant has no concern with the alleged occurrence. Both the deceased had criminal antecedents and they were assaulted by the mob and due to which, they sustained injuries and were declared dead by the doctor. The name of the appellant has been transpired in the present case merely because he belongs to the village of the



informant. It is further submitted that there is no allegation of slating the informant's side in the specific name of their caste, hence no offence under SC/ST Act is made out against the appellant. Similarly situated co-accused has been granted bail by this Court vide order dated 21.09.2022 passed in Criminal Appeal (SJ) No. 2567 of 2022. Appellant has no criminal antecedent. He has been languishing in custody since 20.03.2024 and charge has also been framed against him.

6. Learned Spl. PP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case as well as the period of custody, the above named appellant is directed to 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 (POA) Act, Sitamarhi.

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

9. Appellant is directed to cooperate in the trial. If the appellant fails to appear before the learned Court below on the two consecutive dates fixed in the case, the prosecution will



be at liberty to file an application for cancellation of bail bond
of the appellant before the learned Court below.

(Anjani Kumar Sharan, J)

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