

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3265 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- UCHKAGAON District- Gopalganj

RAMJAN ALI SON OF NASARUDDIN AHMAD @ NASARUDDIN
ANSARI R/O- VILLAGE- NARKATIA, P.S.- UCHKAGAON, DISTT,-
GOPALGANJ-841428

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BRIJ KISHORE RAM SON OF GULCHANDRA RAM R/O- VILLAGE-
NARKATIA, P.S.- UCHKAGAON, DISTT.- GOPALGANJ-841428

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jeetendra Narayan, Adv.
For the informant	:	Mr. Vikash Kumar Shukla, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

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

ORAL ORDER

3 26-09-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. 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 against the rejection of prayer of bail of
the appellant vide order dated 15.06.2024 passed by the learned
Additional Sessions Judge- XI-cum- Exclusive Special Judge,
SC/ST (POA) Act, Gopalganj in connection with Uchkagaon
P.S. Case No. 153 of 2024 dated 27.05.2024 registered for the
alleged offences punishable under Sections 341, 323, 324, 307
read with Section 34 of the Indian Penal Code and Sections 3(I)



(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. As per prosecution case, when the informant's son was going to purchase some household in the grocery shop and on the way, he saw that the co-accused, Jiyaul Ali having knife intercepting Niraj Manjhi by hurling abuse and also assaulting him. When the informant's son made protest it then the co-accused, Jiyaul Ali, Ahsan Ali and Ramjan Ali (appellant) encircled his son by leaving Niraj Manjhi and started abusing by calling his caste name. The appellant and the co-accused, Ahsan Ali caught hold of his son with a view to do away his life and the co-accused, Jiyaul Ali stabbed in his abdomen and blood was started oozing out. When some boys gave information to the informant then the informant along with some villagers reached the place of occurrence and saved his son. Thereafter, the informant's son was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. The occurrence took place on 24.05.2024 but the F.I.R. was lodged on 27.05.2024 and there is no explanation for this delay. There is no specific allegation against the appellant rather the specific allegation of stabbing in the abdomen of the victim is against the co-accused, Jiyaul Ali. The



appellant is made accused in this case only because he is the father of the co-accused, Jiyaul Ali. There is general and omnibus allegation against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant is in custody since 28.05.2024. The appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 15.06.2024 passed by the learned Additional Sessions Judge-XI-cum- Exclusive Special Judge, SC/ST (POA) Act, Gopalganj in connection with Uchkagaon P.S. Case No. 153 of 2024, 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 Additional Sessions



Judge- XI-cum- Exclusive Special Judge, SC/ST (POA) Act,
Gopalganj in connection with Uchkagaon P.S. Case No. 153 of
2024.

(Chandra Prakash Singh, J)

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