

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3138 of 2024**

Arising Out of PS. Case No.-147 Year-2024 Thana- SAHPUR District- Patna

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Arun Kumar S/O Mantu Rai R/O Ward No. 3, Maksudpur, P.S- Sabhpur,
Dist.- Patna. At Presently Resident Of Chitragupt Nagar, Kankerbagh, P.S-
Patrakar Nagar, Distt.- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. BALESHWARI DEVI S/O MANTU RAI R/O WARD NO. 3,
MAKSUDPUR, P.S.- SABHPUR, DISTT.- PATNA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pritish Kumar Lal, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl. PP

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

ORAL ORDER

4 13-11-2024 Heard learned counsel for the appellant and learned

counsel for the respondent no. 2 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 against the rejection of prayer for bail vide order dated
14.06.2024 passed by the learned Exclusive Special Judge, SC/ST
Act, Civil Court, Patna Sadar in Serial No. 158 of 2024 arising out
of Shahpur P.S. Case No. 147 of 2024 dated 18.04.2024 registered
for the offence/s punishable u/ss 147, 148, 149, 341, 323, 307,
302, 338, 504, 506 of the Indian Penal Code, Section 27 of the
Arms Act and Sections 3(i)(r)(s) / 3(2)(va)(v) of the SC/ST (POA)
Act.

3. As per the prosecution case, on 14.04.2024, the



informant along with the some other people was celebrating Ambedkar Jyanti, in the meantime, some anti-social elements started abusing by taking her caste name for which the informant objected. Thereafter, on 17.04.2024, the appellant along with the other co-accused persons having arms came there and started pelting stones on her community members causing injuries to them. It is further alleged that they also fired on them due to that one Vikaram Kumar sustained gun shot injury and subsequently he died.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence, no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. There is no specific allegation of firing against the appellant. The co-accused person has already been granted regular bail by this court vide order dated 22.08.2024 passed in Cr. Appeal (SJ) No. 3192 of 2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 06.05.2024.

5. Learned counsel for the respondent no. 2 as well as



learned Spl. P.P. for the State have vehemently opposed the bail petition 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 14.06.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Civil Court, Patna Sadar in Serial No. 158 of 2024 arising out of Shahpur P.S. Case No. 147 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 Exclusive Special Judge, SC/ST (PoA) Act, Civil Court, Patna Sadar in Serial No. 158 of 2024 arising out of Shahpur P.S. Case No. 147 of 2024, with the condition/s:-

(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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