

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3261 of 2024**

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

Krishna Kumar S/o- Vinehi Rai @ Binehi Ray Village- Mayurva PS-  
Sonbarsa, Dist- Sitamarhi. ... .. Appellant/s

Versus

The State of Bihar. ... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Raja Ram Rai, Advocate

For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      23-08-2024                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. Learned Special P.P. for the State submitted that in compliance of the order dated 26.07.2024, the informant was communicated through the Superintendent of Police concerned to appear before this Court, but in spite of valid communication there is no representation on behalf of the informant.

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 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 266 of 2020 registered under Sections 147, 148, 149, 342, 323, 307, 302 and 324 of the



Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the F.I.R. named accused persons along with some unknown persons are said to have badly assaulted the informant's son, Sonu Paswan and his friend Suraj Kumar while they went to Basatpur for some urgent work. The police had taken both the boys to Government Hospital, Sonbarsa from where they were referred to Sadar Hospital, Sitamarhi and declared dead.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. It is further submitted that the appellant is not named in the F.I.R. and during course of investigation his name surfaced in the present case. It is further submitted that there is no eye witness to the said occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that the charge against the appellant has already been framed on 05.06.2014. It is further submitted that there is no allegation against the appellant of tampering with the evidence. Appellant has no criminal antecedent and has been languishing in custody since 20.03.2024.



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

7. In the facts and circumstances of the case as well as the fact that the charge has been framed against the appellant and there is no allegation against him of tampering with the evidence, 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sonbarsa P.S. Case No.266 of 2020, subject to the condition that the appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

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

**(Anjani Kumar Sharan, J)**

Trivedi/-

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