

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3698 of 2024

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

Awadesh Ray, aged about 39 years (Male), S/O Late Premdhar Rai, R/O –
Maksudpur, Ward No- 03, P.S - Shahpur, District - Patna.

... .. Appellant

Versus

1. The State of Bihar.
2. Baleshwari Devi, W/O Late Harbans Ram, R/O – Maksudpur, Ward No- 03,
P.S - Shahpur, District - Patna.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ghanshyam Tiwary, Advocate
For the Respondent No.2:	:	Mr. Prashant Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

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

ORAL ORDER

3 13-11-2024 It has been submitted by learned counsel for the
appellant that the counter affidavit has been filed on behalf of
the respondent no. 2 in the office.

2. Office is to verify the same and kept on the record.

3. Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

4. 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 for prayer of bail of the
appellant vide order dated 06.07.2024, passed by the learned



Exclusive Special Judge, SC/ST Act, Patna in Serial No. 158 of 2024, arising out of Shahpur P.S. Case No. 147 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 338, 504, 506 of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r) (s) and 3(2)(va)(v) of the SC/ST Act.

5. The prosecution case, in brief, is that on 14.04.2024, the informant and some people were celebrating *Ambedkar Jayanti*, in the meantime, some anti-social elements started abusing by taking caste name for which the informant and her community members raised objection. Due to this reason, on 17.04.2024, the appellants alongwith some other persons having arms came there and started attacking by pelting stones and bricks on her community members resulting the informant and some community members sustained injury thereafter some accused persons started firing in which one Vikram Kumar received gun shot injury and fell down and in course of taking him to Sub-Divisional Hospital, he died.

6. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to an ulterior motive. It is further submitted that there is no specific allegation against the



appellant. The appellant was not present on the alleged date and time of occurrence. The other co-accused Supan Rai has already been granted bail by a Bench of this Court vide Cr. Appeal (SJ) No. 3192 of 2024. There was some dispute between the parties. The appellant is in custody since 19.04.2024. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

7. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant.

8. 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 06.07.2024, passed by learned Exclusive Special Judge, SC/ST Act, Patna 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.

9. 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, Patna in Serial No. 158 of 2024, arising out of
Shahpur P.S. Case No. 147 of 2024 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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