

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4284 of 2024

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

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1. Krishna Ray, aged about 40 years (M), S/o- Hari Shankar Ray, R/o - Maksudpur, Ward No.03, Maksudpur, P.S - Shahpur, District – Patna.
 2. Ram Shankar @ Ramashankar Ray, (M), aged about 42 years, Son of Late Raja Rai, R/o - Maksudpur, Ward No.03, Maksudpur, P.S - Shahpur, District – Patna.

... .. Appellants

Versus

1. The State of Bihar.
2. Baleshwari Devi, (F), W/o- Late Harbans Ram, R/o- Maksudpur Ward. No-3, P.S.- Shahpur, Dist- Patna.

... .. Respondents

Appearance :

For the Appellants	:	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 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal for prayer of bail of the appellants vide order dated 22.08.2024, passed by the learned Exclusive Special Judge, SC/ST Act, Patna vide 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.

3. 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.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to an ulterior motive. It is further submitted that there is no specific allegation against the appellants. The appellants were 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, annexed as Annexure-2 to the present memo of appeal. There was some dispute between the parties. The appellants are in custody since 27.04.2024 and 27.05.2024 respectively. The appellants have 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 appellants.

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

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 appellants, the impugned order dated 22.08.2024, passed by learned Exclusive Special Judge, SC/ST Act, Patna Vide Serial No. 158 of 2024, arising out of Shahpur P.S. Case No. 147 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of



the like amount each to the satisfaction of the learned Exclusive
Special Judge, SC/ST Act, Patna in connection with Shahpur
P.S. Case No. 147 of 2024 with further condition:-

(I) The appellants are 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
appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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