

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4830 of 2024

Arising Out of PS. Case No.-627 Year-2023 Thana- KAUWAKOL District- Nawada

Dhiraj Kumar Son of Sita Ram Yadav R/O Vil.- Amba, P.S.- Chandradeep,
Dist.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Lal Ravi Das Son of Late Dhukhi Ravidas R/O Vil.- Pali, P.S.-
Kauwakol, Dist.- Nawadah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 19-12-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 18.06.2024 passed by learned Exclusive Special Judge, Special Court, SC/ST (Prevention of Atrocities Act), Nawadah whereby the prayer for bail of the appellant in connection with Kauwakol P.S. Case No. 627 of 2023 under Sections 394, 302/34 of the I.P.C., 25(1-b)a, 26/35 and 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, was rejected.

3. As per prosecution case, while the Informant was returning from Punjab National Bank after withdrawing Rs. 3,50,000/- for the CSP, he was attacked by two miscreants on a



motorcycle. It is alleged that the miscreants threatened him with a gun, snatched his mobile phone and the bag containing the money. It is also alleged that during struggle, one of the miscreants got injured by a gunshot.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case merely on the basis of suspicion. The appellant was not apprehended on spot and nothing incriminating has been recovered from his conscious possession. There is no specific or direct allegation of any overt act against the appellant rather the same is general and omnibus in nature. The appellant is not named in the F.I.R. and his name has transpired in this case on the basis of spy. From the injury report, it appears that the injury caused to the Informant is simple in nature. He further submits that the specific allegation of firing is against the co-accused Sujit Kumar. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant and, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 11.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating the



the appellant was last seen with the deceased. The indulgence of the appellant in the alleged occurrence has come in Para-107 of the case diary. The offence alleged is serious in nature and, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant, the period of custody undergone by the appellant and the appellant having no criminal antecedent, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 18.06.2024 passed by learned Exclusive Special Judge, Special Court, SC/ST (Prevention of Atrocities Act), Nawadah is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kauwakol P.S. Case No. 627 of 2023.

(Rudra Prakash Mishra, J)

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