

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5083 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

Raveen Yadav @ Raveen Kumar Son Of Lucho Yadav R/O Village -
Hathwan, P.S.- Alauli, District- Khagaria

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shyam Sundar Sah Son Of Late Bindeshwari Sah @ Bindeshwari Prasad Gupta R/O Village - Hathwan, P.S.- Alauli, District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant : Mr.Viveka Nandsingh
For the Respondents : Mr.Binay Krishna

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

ORAL ORDER

5 12-09-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. Learned counsel for the appellant is permitted to
make necessary correction in paragraph 3 in the course of the
day.

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 of bail *vide* order dated
04.07.2023 passed by the learned Addl. Sessions Judge-1st-
Cum- Special Judge, SC/ST Act, Khagaria in connection with



B.P. No. 137/2023 arising out of Alauli P.S. Case No. 392/2022 dated 22.08.2022 registered for the offence/s punishable u/s 353, 332, 307, 302 and 120B read with Section 34 of the Indian Penal Code, Sections 3(2)(v) of the SC/ST Act and Section 27 of the Arms Act.

4. As per the prosecution case, the co-accused Prafull and Rahul opened fire due to which Jai Narayan Paswan received bullet injury on his chest and he died. The informant also sustained firearm injury in his leg.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the F.I.R. The name of the appellant has sprung up in the confessional statement of the co-accused, Rajeev Kumar. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 09.07.2024 passed in Cr. Appeal (SJ) 687/2024. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case under SC/ST Act is made out. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 17.06.2023.



6. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

7. 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 04.07.2023 passed by the learned Addl. Sessions Judge-1st-Cum- Special Judge, SC/ST Act, Khagaria in connection with B.P. No. 137/2023 arising out of Alauli P.S. Case No. 392/2022 is set aside against the appellant. The criminal appeal is allowed.

8. 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 Addl. Sessions Judge-1st-Cum- Special Judge, SC/ST Act, Khagaria in connection with B.P. No. 137/2023 arising out of Alauli P.S. Case No. 392/2022.

(Chandra Prakash Singh, J)

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