

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1051 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- MEHANDIGANJ District- Patna

Golu @ Ravi Ranjan son of Ramji Mahto Mohalla- Tulsi Mandi Ps-
Aalamganj Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Indradev Prasad son of Late Harivansh Prasad Village- Mathura Bigha Ps-
Ekngersarai Dist- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Adarsh Singh, Adv

For the Respondent/s : Mr.Usha Kumari 1, Sp.P.P

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

ORAL ORDER

7 28-02-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 of prayer of bail *vide* order dated 22.01.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mehadiganj P.S. Case No. 126/2023 dated 10.07.2023 registered for the offence/s punishable u/s 302, 307 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, on 09.07.2023, the informant received a phone call about his son that someone has shot him and during the course of treatment, he died. It is further alleged that one Vishnu Paswan also sustained bullet injury.

4. 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, Vishnu Paswan. The other co-accused person has already been granted bail by this court *vide* order dated 05.07.2024 passed in Cr. Appeal (SJ) 1219/2024. 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 is made out under SC/ST Act. There is no specific allegation of firing against the appellant rather the specific allegation of firing is against the co-accused, Aditya Kumar. The appellant has three criminal antecedents and he is on bail in all the aforesaid cases as stated at para 3 of the bail petition. The appellant is in custody since 04.09.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail. As per the post mortem report, the



cause of death is due to head injury and hemorrhage.

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 appellant, the impugned order dated 22.01.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mehadiganj P.S. Case No. 126/2023 is set aside against the appellant. The criminal appeal is allowed.

7. 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 connection with Mehadiganj P.S. Case No. 126/2023, 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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