

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1719 of 2025**

Arising Out of PS. Case No.-119 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Ranjan Harijan S/O Late Suresh Harijan @ Suresh Das R/O Village- Harijan
Tola Puraini, P.S.- Jagdishpur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Opee Das S/O Late Jedu Das R/O Village- Harijan Tola Puraini, P.S.-
Jagdishpur, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjan Kumar Jha, Adv. Mr. Rana Pratap Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

4 21-08-2025 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. However, learned Spl.PP for the State has

already informed but none appeared on behalf of the respondent

no. 2.

2. Learned counsel for the appellant has filed I.A. No.

01/2025 during course of the day which is kept on the record.

3. Learned counsel for the appellant is permitted to

add the para no. 3 regarding the criminal antecedent of the

appellant in the bail petition during course of the day.

4. This is an appeal under Section 14A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 against the rejection of prayer for bail of



the appellant vide order dated 27.09.2024 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in S.T. No. 169/2024 arising out of Jagdishpur P.S. Case No. 119 of 2023 dated 08.03.2023 registered for the alleged offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code and Sections 3(1), 3(2)(r)(s)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. As per prosecution case, on 07.03.2023 at 8.30 P.M., the appellant and the other accused persons came at the house of the informant and called his son Santosh Das to celebrate Holi. When the informant stopped them, all the accused persons took away his son forcibly. After some time, the informant started searching his son but he did not find him. It is further alleged that on 08.03.2023 at about 6.30 A.M., the villagers were saying that after killing some one, the dead body was thrown and after hearing, the informant went to the place of occurrence, he saw that the dead body of his son was lying on the ground.

6. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no eye witness to the alleged occurrence. It is



further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against him. There is no specific allegation against the appellant and he has no concern with the alleged offence. Learned counsel has further submitted that as per the impugned order, the PWs have not stated about the involvement of the appellant in this case. It is further submitted that charge-sheet has been submitted in this case and the charges have already been framed now there is no chance of tampering with the witnesses. The co-accused person has already been granted regular bail by this court vide order dated 01.05.2025 passed in Cr. Appeal (SJ) No. 1724/2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 22.08.2023.

7. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant and submitted that the bail application of the appellant has already been rejected by the Coordinate Bench of this court vide order dated 18.01.2024 passed in Cr. Appeal (SJ) No. 3819/2023.

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



27.09.2024 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in S.T. No. 169/2024 arising out of Jagdishpur P.S. Case No. 119 of 2023, 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 Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in S.T. No. 169/2024 arising out of Jagdishpur P.S. Case No. 119 of 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 bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

Gautam/-

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