

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2448 of 2024**

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

Patel Sah @ Siyaram Sah son of Late Nathuni Sah Village- Pithouri Ps-  
Baniapur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Md. Azad son of Late Abdul Rashid Village- Paigambarpur Ps- Baniapur  
Dist- Saran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Yashraj Bardhan, Adv.  
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      19-03-2025      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 26.07.2024, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

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 for bail vide order dated 04.03.2024 passed by learned Exclusive Special Judge (SC/ST Act), Saran at Chhapra in connection with Baniapur P.S. Case No. 231/2019 registered under Sections 147, 148, 149,



341, 323, 302, 504, 506 of the Indian Penal Code and Section 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the FIR named accused persons including the appellant along with 50-100 unknown persons are said to have stopped the brother of the informant and two others who were going on a Pick-up Van after loading animals and assaulted him with an iron rod, lathi and other weapons as a result of which all the three persons died.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in the case due to ulterior motive. The allegation levelled against the appellant is totally false and based on concocted facts. There is no independent eye witness to the alleged occurrence and there is no hearsay witness disclosing the name of this appellant. It is further submitted that similarly situated co-accused Dahari Ram and Satyanarayan Ram have been granted privilege of regular bail. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No offence under Section SC/ST Act is made out against the appellant. Learned counsel further submits that



appellant has no criminal antecedent and he has been languishing in custody since 22.02.2024.

5. Learned Spl. PP for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, since similarly situated co-accused have been granted privilege of regular bail, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Saran at Chhapra in connection with Baniapur P.S. Case No. 231/2019, subject to the following conditions as laid down in Section 437(3) Cr.P.C/Section 480 (3) B.N.S.S.:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing



such facts to the Court or to any police officer or tamper with the evidence.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

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