

Arising Out of PS. Case No.-432 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

... .. Appellant/s

Versus

... .. Respondent/s

For the Appellant/s : Mr.Manoj Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

ORAL ORDER

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Offences) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 08.12.2021 passed by the learned Additional Sessions Judge-cum-Special Judge, SC/ST, Patna at Ara in connection with Udwanthnagar P.S. Case No. 100 of 2021 dated 06.10.2021 registered for the alleged offences under Sections 341, 307 and 302 read with Section 3(1)(i) of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 05.10.21 at about 6.00 P.M., the informant and his friend Diwakar Prakash @



Sonu went to Jagjivan Halt, where Sonu and the informant were sitting on the platform. Then, the appellant and the co-accused persons started moving around us and the co-accused, Vikam Yadav and Niranjan Kumar came and sat next to the informant. After that, we both got up and started walking towards home at around 07.30 P.M. As soon as we reached near the banyan tree outside the halt, they started abusing by calling caste name. In the meantime, the co-accused Daroga Yadav @ Arjun Yadav and Niranjan Kumar caught hold of Diwakar Prakash @ Sonu Kumar from behind and the co-accused Daroga Yadav ordered the petitioner to shot, on which the petitioner shot Sonu Kumar with the pistol, due to which Sonu Kumar fell on the spot. Thereafter, the informant ran towards the village in fear, then the co-accused persons, Vikram Kumar Yadav and Daroga Yadav caught hold of the informant and ordered to shot, on which the petitioner fired a shot from the pistol which hit the left chest of the informant, due to which he got injured and fell on the ground. Thereafter, both the injured were taken to Sadar Hospital, Ara for treatment and On the way, the informant's friend Sonu Kumar died.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence,



no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has clean antecedent as stated in para 3 of the bail petition. The appellant is in custody since 07.10.2021.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant by submitting that the specific allegation of firing is against the appellant. The I.O. has recovered two empty cartridges and one live cartridge from the place of occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 08.12.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 432/2021 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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