

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3745 of 2024**

Arising Out of PS. Case No.-94 Year-2020 Thana- KHAJAULI District- Madhubani

Bholta Ram @ Sunil Kumar Ram @ Sunil Ram, S/O Late Ramchandra Ram
R/O Village- Chatra, P.S- Khajauli, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Paswan S/O Late Jagdish Paswan R/O Village- Chatra, P.S- Khajauli,
Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 10-01-2025

Heard learned counsel for the appellant and learned
Spl.PP 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 against the refusal of prayer for bail vide order dated 26.06.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Madhubani, in connection with Khajaluli P.S. Case No. 94 of 2020, registered for the alleged offences under Sections 147,148, 149, 341, 323, 324, 307, 302, 452, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i) (r) (s)/ 3 (2) (va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the FIR named co-accused persons, who were variously armed, entered into the house of the informant and fired upon and assaulted the informant and his family members. During the course of treatment, the father of the informant died in the hospital. The name of the appellant transpired during investigation as one of the accused persons who was also involved in the aforesaid occurrence.

4. Learned counsel for the appellant submits that the appellant is not named in the FIR and he has been falsely implicated in this case. The informant stated himself to be an eye-witness but he did not name this appellant. Learned counsel further submits that the co-accused has instituted Khajauli P.S. Case No. 93 of 2020 for offences under Sections 341, 323, 354, 504, 506 and 34 of the IPC against the informant and his family members and in retaliation thereof, the present counter case has been instituted by the informant after one day of lodging of the FIR by the appellant. Similarly placed co-accused persons, who were not named in the FIR, namely Ramesh Paswan and Mahendra Paswan, have been granted bail by a Coordinate Bench of this Court as well as this Court vide orders dated



02.03.2021 and 13.10.2022 passed in Cr. Appeal (SJ) Nos. 571 of 2021 & 3049 of 2022. The appellant is in custody since 20.05.2024. The charge sheet has been submitted.

5. Learned Spl.P.P. opposes the prayer for bail.

6. Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the general and non-specific nature of allegation against the appellant, who was not named in the FIR and further considering the submission of charge sheet along with his clean antecedent, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with Khajauli P.S. Case No. 94 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the appellant will be liable to
be cancelled by the court concerned.

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

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2025
Transmission Date	10.01.2025

