

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4150 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- BELDOUR District- Khagaria

Shyam Sundar Sharma S/O Wakil Sharma @ Bakil Sharma R/O Village-
Gandhi Nagar, Itmadi, P.S- Beldour, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Paswan S/O Kashi Paswan R/O Village- Gandhi Nagar, Itmadi, P.S-
Beldour, Distt.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parmatma Singh, Advocate
For the State : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2025 Heard Mr. Parmatma Singh, learned counsel for the

appellant and Ms. Usha Kumari 1, learned Special Public

Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that pursuant to the order of this Court he has
informed the respondent no.2 through the Superintendent of
Police, Khagaria with regard to the present case but nobody
appeared on behalf of the respondent no.2.

3. This is an appeal under Section 14(A)(ii) 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 regular bail of the



appellant vide order dated 05.08.2024 passed by learned Additional Session Judge 1st Cum Special Judge SC & ST (POA) Act, Khagaria in connection with Beldour P.S. Case No. 175 of 2022, FIR dated 22.08.2022 registered under Sections 341, 323, 447, 326, 307 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the accused persons including the appellant without any rhyme or reason assaulted the informant and they fired indiscriminately causing firearm injury to one Pritam Kumar.

5. Learned counsel appearing for the appellant submits that the appellant is innocent and he has falsely been implicated in this case. He further submits that although the appellant is named in the F.I.R but it appears from the FIR that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant. He further submits that it appears from the FIR itself that the present incident was taken not in a public place, so there is no case made out under the SC/ST Act against the appellant.



He further submits that the co-accused person, namely, Dhiranjan Sharma, against whom the similar allegation, has been granted bail by this Court vide order dated 07.07.2023 passed in Cr. Appeal (SJ) No. 1996 of 2023 and other co-accused person, namely, Jiyalal Sharma and Anr. have also been granted bail by a Co-ordinate Bench of this Court vide order dated 24.08.2023 passed in Cr. Appeal (SJ) No. 1634 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the appellant. The appellant is rotting in judicial custody since 06.04.2024.

6. Learned Spl. PP for the State, on the other hand, has vehemently opposed the prayer for bail and submits that appellant is named in the FIR and apart from that the appellant carries one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the memo of appeal that the appellant is on bail in the pending matter.

7. Considering the facts and circumstances of the case, let the appellant, above named, appellant be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 1st Cum Special Judge SC/ST (POA) Act, Khagaria in connection with Beldour P.S. Case No.



175 of 2022 with the following conditions:-

(i) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

ajay/-

U		T	
---	--	---	--

