

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4117 of 2024

Arising Out of PS. Case No.-123 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Muni Lal Rai @ Munna Rai Son of Late Goghan Rai, R/o- Rachiahi
Kachahari Tola, PS- Singhaul O.P. (Muffasil), Distt.- Begusarai.

... .. Appellant

Versus

1. The State of Bihar.
2. Dhiraj Paswan Son of Late Sartughan Paswan, Resident of Rachiahi
Kachahari Tola, P.S.- Singhaul O.P. (Muffasil), Distt.- Begusarai.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

2 10-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of the State.

2. Learned counsel for the appellant is permitted to
make necessary correction in paragraph no. 3 of the bail petition
in the course of the day.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail *vide*
order dated 12.08.2024 passed by the learned Exclusive Special
Judge, SC/ST (PoA) Act, Begusarai in connection with



Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 123 of 2021 dated 24.02.2021 registered for the offences punishable under Section 302 of the Indian Penal Code read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act and also under Section 3(ii)(v)(r)(s) of the SC/ST (PoA) Act.

4. As per the prosecution case, while the informant, his father and other villagers were holding a meeting at a temple, the co-accused persons, variously armed, arrived there and made air firing due to which stampede occurred and thereafter, one Anil Rai fired on the informant's father who died on the spot.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel next submitted that there is no specific allegation attributed against the appellant, rather the specific allegation of firing is attributed against the co-accused Anil Rai. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence, hence no case is made out under SC/ST Act. Learned counsel further submitted that similarly situated co-accused have already been granted bail by a co-ordinate Bench of this Court *vide* order dated 23.08.2021 passed in Cr. App (SJ)



No. 2822 of 2021 and Cr. App (SJ) No. 2998 of 2021. The appellant has five criminal antecedents as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 31.07.2024.

6. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.

7. 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 12.08.2024 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 123 of 2021, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above-named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty-thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with **Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 123 of 2021**, on further condition:

(i) The appellant is directed to remain physically



present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

(ii) If the appellant is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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