

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4738 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- DHANSOI District- Buxar

Binod Bhuiya Son of Late Pragas Bhuiya @ Late Prakash Bhuiya R/O Vill.-
Chapatahi, P.S.- Dhansoi, Dist.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shri Kant Ram Son of Sahendra Ram R/O Vill.- Chapatahi, P.S.- Dhansoi,
Dist.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Usha Rai, Adv.

For the Respondent/s : Mr.Sadanand Paswan, SSP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

6 10-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. In spite of valid service
of notice upon the respondent no.2, no one has appeared on his
behalf. Perused the case diary.

2. This is an appeal under Section 14A(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 of bail vide order dated
21.09.2024 passed by learned Additional Sessions Judge 1st-
cum-Special Judge SC/ST (P.O.A.) Act, Buxar, in connection
with Dhansoi P.S. Case No. 175 of 2023 registered under
Sections 302, 504, 506/34 of the Indian Penal Code, Section 27
of Arms Act and Section 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the allegation against the appellant is that he, in connivance with, other co-accused persons abused, humiliated and committed murder of the father of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. The appellant was not present at the place occurrence and, has falsely implicated in the present case on the basis of suspicion. He submits that there is no specific allegation against the appellant rather the same is general and omnibus in nature. He further submits that no arms and ammunition has been recovered from the conscious possession of the appellant. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence. The appellant is in custody since 29.08.2024 and has one criminal antecedent. Similar co-accused have been granted anticipatory bail by a



Coordinate Bench of this Court vide orders both dated 22.11.2024 passed in Cr. Appeal (S.J.) Nos. 524 of 2024 and 578 of 2024 respectively.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that offence alleged is serious in nature.

6. Considering the entire facts and circumstances of the case, there being no specific overt act against the appellant as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 21.09.2024 passed by learned Additional Sessions Judge 1st-cum- Special Judge SC/ST (P.O.A.) Act, Buxar is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhansoi P.S. Case No. 175 of 2023.

(Rudra Prakash Mishra, J)

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