

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.850 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -SITAMARHI District- SITAMARHI

=====

Manish Singh @ Mani @ Mani Singh son of Manoj Singh Resident of Village-
Nankar Simardah, P.S. Majorganj, District- Sitamarhi.

.... Appellant

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant : Mr. Shankar Kumar, Adv.

For the Respondent : Mr. Binay Krishna, Special P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 16-01-2017

1. Heard learned counsel for the appellant as well as
learned Special Public Prosecutor for the State.

2. This criminal appeal filed under Section 14(A) (2) of
S.C./S.T. (Prevention of Atrocities) Amendment Act is preferred
against the impugned order dated 03.09.2016 passed by learned 1st
Additional Sessions Judge, Sitamarhi in B.P. No. 1041 of 2016/302 of
2016 by which and whereunder he refused to enlarge the appellant on
bail who was made accused in Sitamarhi P.S. Case No. 278 of 2015
for the offences punishable under Sections 302, 120(B)/34 of the
Indian Penal Code, Section 3(2) (v) of S.C./S.T. (Prevention of
Atrocities) Act as well as Section 27 of the Arms Act.

3. Three motorcycle borne criminals are said to have



opened fire on the deceased. The name of appellant came in this case on the basis of disclosure made by one Paramji Ram, who stated before the informant that appellant and others were giving threatening to the deceased for withdrawal of a murder case. However, at para-22 of the case diary, the witness, Paramji Ram specifically stated that Nitesh Singh, Bullet Singh and Chhotu Singh came on a motorcycle and Nitesh Singh and Bullet Singh opened fire on the deceased and therefore, it is obvious that aforesaid witness, Paramji Ram claimed himself to be eye witness of the alleged occurrence. Moreover, co-accused, Ranjit Singh, having similar allegation, has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 09.11.2015 passed in Cr. Misc. No. 32644 of 2015 but the learned trial court did not take into consideration the above stated fact. The impugned order goes to show that learned trial court has referred several paragraphs of the case diary in the impugned order but in the aforesaid paragraphs, except allegation of conspiracy, there is nothing against the appellant.

4. Considering the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal is allowed and impugned order dated 03.09.2016 passed by learned 1st Additional Sessions Judge, Sitamarhi is set aside in respect of the appellant.

5. Accordingly, the above named appellant is directed to



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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 278 of 2015.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.01.2017
Transmission Date	19.01.2017

