

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1824 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MADHUBAN District- East Champaran

Arun Singh @ Arun Kumar Singh, Son of Bashishth Narayan Singh, resident
of Village - Bishunpur Kishundev, P.S. and District - Sheohar

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dinesh Jha
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 28-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(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 for bail vide order dated 18.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 09 of 2019 registered under Sections 147, 148, 149, 384, 307 & 302 of the Indian Penal Code, Section 25 (1-b)1, 26, 27 & 35 and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



8-10 unknown miscreants are said to have gunned down the grandfather of the informant and strangled to death one Raj Kishore Sharma on the door of the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics and animosity. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is nothing on record indicating the complicity of the appellant in the occurrence barring the confessional statement of apprehended accused Akshya Kumar which has no evidentiary value in the eye of law. Only one gun shot injury was found on the person of the deceased Kapildeo Rai but the assailant of the said injury is not ascertained. Said Akshay Kumar and one named accused Niraj Singh have been enlarged on bail by this Court vide judgment dated 20.06.2019 in Criminal Appeal (SJ) Nos.1420 of 2019 and 1431 of 2019, while similarly situated co-accused Maya Singh has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 19.06.2019 in Cr. Appeal (SJ) No.1508 of 2019. Appellant has no criminal antecedent and has been languishing in custody since 29.01.2019.



Learned Spl. PP for the State opposed the prayer
for bail.

In the facts and circumstances of the case, the
above named appellant is directed to be enlarged on bail on
furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
the learned 1st Addl. Sessions Judge cum Special Judge SC/ST
Act, East Champaran at Motihari in connection with Madhuban
P.S. Case No. 09 of 2019.

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

(Prakash Chandra Jaiswal, J)

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