

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1816 of 2019**

Arising Out of PS. Case No.-416 Year-2018 Thana- BASANTPUR District- Siwan

Antu Singh @ Antu Kumar @ Antoo Singh Son of Nagendra Singh Resident
of Village - Parauli, P.S.- Basantpur, District- Siwan

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shankar Kumar
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 05-07-2019 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

The appellant seeks pre-arrest bail in connection
with Basantpur P.S. Case No.416 of 2018 registered under
Section 302/120-B/34 of the Indian Penal Code and Section 3
(2) (v) of the Scheduled Castes and Schedules Tribes
(Prevention of Atrocities) Act, 1989.

Uttam Sah and Mithilesh Kumar alias Marai are
said to have taken money from the brother of the informant and
on demand of money by him there was some altercation
between them and on the date of occurrence Uttam Kumar
called his brother in his shop to accord money and all the
accused persons gunned him down in the said shop.

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. The appellant has neither taken any money from the deceased nor extended threatening nor indulged in any altercation with the deceased. There is no eye witness of the occurrence barring Sonu Kumar, who happens to be the brother of the deceased and he has candidly stated in his statement given before the I.O. that Mithilesh Kumar alias Marai has gunned down his brother (deceased) and doctor has found only one gun shot injury on the person of the deceased. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 Additional Sessions Judge cum Special Judge SC/ST Act, Siwan in connection with Basantpur P.S.416 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Prakash Chandra Jaiswal, J)

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