

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1838 of 2019

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

GUDDU SINGH Son of Raj Kishor Singh Resident of Village - Delho, P.S.-
Madhuban, District - East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bal Govind Sharma
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 03-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 18.03.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, East Champaran, Motihari in connection with Madhuban P.S. Case No. 9 of 2019, registered under Sections 147, 148, 149, 384, 307, 302 of the Indian Penal Code and Section 25 (1-b) a, 26, 27, 35 of the Arms Act and also under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Eight named accused including appellant and 8-10 unknown miscreants are said to have gunned down the grandfather of the informant and strangled to death one Raj Kishore Sharma over demand of extortion.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics and animosity. Moreover doctor has found only one gun shot injury on the person of deceased Kapildeo Rai and the assailant of the said injury is not ascertained. Similarly situated co-accused Maya Singh has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 19.6.2019 in Cr. Appeal (Sj) No. 1508 of 2019 while co-accused Akshay Kumar and 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. Appellant has no criminal antecedent. He has been languishing in custody since 21.1.2019.

Learned Spl. P.P. for the State vehemently opposing the prayer for bail submitted that appellant is named in the F.I.R. and witnesses in paragraph 10 and 47 of the case diary have also named the appellant in the occurrence hence he does



not deserve 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/- (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 (POA) Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 9 of 2019.

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

(Prakash Chandra Jaiswal, J)

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