

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3017 of 2019**

Arising Out of PS. Case No.-83 Year-2019 Thana- CHAUTHAM District- Khagaria

Nunmen Singh Son of Pokhan Singh Resident of Village - Nirpur, P.S.-
Chautham, Dist.- Khagaria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 17-09-2019 S.P., Khagaria has sent the case diary along with his
explanation. Explanation of S.P. is accepted.

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 25.06.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge SC/ST Act, Khagaria in connection
with Chautham P.S. Case No.83 of 2019 registered under
Sections 307, 504 & 506/34 of the Indian Penal Code, Section
27 of the Arms Act and Section 3(1) (r) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Some of the villagers were fishing in the Mushahara Dhar while the informant was witnessing the same. In the meantime, the appellant and co-accused Saheb Singh descended there and warned them from fishing and resorted firing. One of the bullet hit the left chest 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 animosity. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There was no intention to assault the informant. There is no repetition of blow. The informant has sustained simple injury though by firearm. Appellant has been languishing in custody since 16.05.2019.

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 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, Khagaria in connection with Chautham P.S. Case No.83 of 2019.



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

(Prakash Chandra Jaiswal, J)

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