

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3275 of 2019**

Arising Out of PS. Case No.-106 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champaran

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KUNDAN SINGH Son of Raj Kumar Singh Resident of Village-Basatpur
Babu tola, P.S.-Muffasil, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

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

ORAL ORDER

4 22-10-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
10.06.2019 passed by learned 1st Addl. Sessions Judge cum
Special Judge, SC/ST Act, East Champaran, Motihari in
Muffasil P.S. Case No. 106 of 2016 registered under Sections
147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 447 and 504
of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act.

While the father of the informant was sitting at his
door, nine accused persons armed with weapons arrived there
and slating his father started assaulting Lal Babu Paswan. On
intervention of the assault by his father, Anil Singh and Chhotan



Singh caught hold his father while Kundan Singh and Bhim Singh assaulted on the stomach of his father by means of spade resulting into his death while other accused persons assaulted other persons by means of different weapons.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He was not present at the place of occurrence at the time of occurrence rather arrived at the place of occurrence responding hulla and has been falsely implicated in the case by the informant due to previous animosity and dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Though appellant Kundan Singh and co-accused Bhim Singh are said to have assaulted the deceased by means of spade, but doctor has found only one stab injury on the abdomen of the deceased, hence assailant of the said injury is not ascertained. Similarly situated co-accused namely Bhim Singh has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 07.08.2017 passed in Cr. Appeal (SJ) No. 886 of 2017. Appellant has no criminal antecedent and has been languishing in custody since 10.06.2019.

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/- (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, Motihari in connection with Muffasil P.S. Case No. 106 of 2016.

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

(Prakash Chandra Jaiswal, J)

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