

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3682 of 2019

Arising Out of PS. Case No.-98 Year-2011 Thana- SIRDALA District- Nawada

Sanjay Singh @ Ajay Kumar Son of Late Jarman singh @ Jagat Kishore
Singh Resident of Village - Merhkuri, P.S.- Meskaur, dist.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 02-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 22.07.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in Sirdala (Meskaur) P.S. Case No. 98 of 2011 registered under Sections 147, 148, 149, 342, 323, 325, 307, 504 of the Indian Penal Code, Section 27 of the Arms Act, Sections 3, 4, 5 of the Explosive Substance Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was perusing the paper of the old pension sitting in the field of community hall, in the meantime, seven named accused persons including the appellant armed with bomb, pistol, rifle etc. arrived there and Nawal



Prasad gave exhortation slating him in the name of his caste. Whereupon Amin Prasad assaulted on his chest by means of bomb while the appellant Sanjay Singh assaulted on his leg by means of bomb inflicting injury on various part of his person. Md. Irsad Khan assaulted on his head by means of butt of the pistol while Pintu Singh assaulted him by means of butt of the rifle.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant happens to be Teacher of Government Middle School. He was not present at the place of occurrence at the time of occurrence. He has been falsely implicated in this case merely because the informant along with other accused persons had committed murder of the father of the appellant and injured his uncle. Regarding which, Sirdala (Meskaur) P.S. Case No. 38/2000 was lodged against the informant and others by the uncle of the appellant. Only allegation levelled against the appellant is of assaulting on the leg of the informant by means of bomb, but opinion regarding nature of injury has been reserved on 10.08.2011, and till now, no supplementary injury report has been brought on record. Informant himself happens to be notorious criminal and he had sustained injury due to



explosion of bomb in the course of manufacturing it by him in the community hall. Appellant never absconded in the case rather being the government school teacher, he was always present at the school. Appellant has no criminal antecedent and has been languishing in custody since 25.06.2019. Similarly situated co-accused, namely, Pintu Singh @ Amrendra Singh and Gorelal Singh have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 27.11.2018 passed in Cr. Appeal (SJ) No. 3832 of 2018.

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, Nawada in connection with Sirdala (Meskaur) P.S. Case No. 98 of 2011.

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

(Prakash Chandra Jaiswal, J)

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