

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3675 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

1. VIKAS SINGH Son of Ajay Singh Resident of Village - Patkhauliya, P.S.- Motihari Muffasil, District - East Champaran.
2. Ajay Singh Son of Late Binda Singh Resident of Village - Patkhauliya, P.S.- Motihari Muffasil, District - East Champaran.
3. Ram Ayodhya Prasad @ Ram Ayodhya Singh Son of Late Ram Lochan Prasad Resident of Village - Machhaha, P.S.- Motihari Muffasil, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-11-2019 By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 10.7.2019 passed in Sungauli P.S.case No.115 of 2019 for the offences punishable under Section 307 of the Indian Penal Code and Section 3(ii)(v) of SC/ST Act by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, whereby and where-under, the appellants' application for grant of bail has been rejected.

As per FIR while the deceased Hari Mohan Das and one injured Munna Kumar Das were returning after collection of



money on a motorcycle, they were intercepted by the appellants and other accused persons and there are specific allegation against the appellants that they fired and when the deceased and the injured fell down, all the accused persons stabbed him brutally causing injury to him and he succumbed to the injuries.

Submission of the learned counsel for the appellants is that specific allegation is against the appellants of firing but there is no fire arm injury in the postmortem report, moreover there are enmity between the appellants and the informant's side from before as the brothers of the appellant no.2 were killed by the informant and others and for that they are facing trial , moreover the appellants are in custody for more than five months and one of the co-accused Raj Mohan Singh has been granted bail vide order dated 19.7.2019 passed in Criminal Appeal (SJ) No.1961 of 2019.

On the other hand the learned Special Judge and the learned counsel for the informant has opposed the prayer for bail on the ground that there are specific allegation against these appellants of firing as well as stabbing the deceased by the knife and there is also allegation against all the accused persons including the appellants and there are sharp cut injury on the person of the deceased as well as the case of Raj Mohan Singh



is different from the appellants.

Hard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant bail to the appellants at this stage, however, once the charge is framed in this case, they are at liberty to renew their prayer for bail .

Accordingly, this appeal is dismissed with the above observation.

(Vinod Kumar Sinha, J)

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