

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3733 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

BADAL SINGH @ NITIN KUMAR Son of Nagendra Singh Resident of
Village- Kanchanpur, P.S.- Sasaram (Muffasil), District- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 01-10-2019 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 08.07.2019 passed by learned 1st Addl. Sessions Judge, Sasaram, Rohtas in Sasaram (M) P.S. Case No. 158 of 2019 registered under Sections 323 and 504/34 of the Indian Penal Code, 3(i)(x) of the SC/ST Act and Sections 25(1-b)a and 26 of the Arms Act.

During the dance programme on the occasion of the marriage of the son of the informant, appellant along with two other named accused persons arrived there and intervened the programme. On protest made by the informant, they started slating him and became adamant to assault. In the meantime



appellant whipped out pistol and extended threatening to the informant. Then informant with the help of others snatched the pistol from the appellant and produced the appellant and the pistol before the police while other accused persons made good their escape.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the informant over some altercation taken place during witnessing of the dance programme by the appellant. No incriminating article has been recovered from the conscious physical possession of the appellant. Aforesaid country made pistol has not been seized by the police rather by the informant and produced before the police. Said pistol was not loaded with any cartridge, hence it is of no use. Appellant has no criminal antecedent and has been languishing in custody since 24.05.2019.

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 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, Sasaram, Rohtas in
connection with Sasaram (M) P.S. Case No. 158 of 2019.

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

(Prakash Chandra Jaiswal, J)

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