

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3846 of 2019

Arising Out of PS. Case No.-149 Year-2018 Thana- SAHARSA District- Saharsa

CHANDAN SINGH @ CHANDAN KUMAR SINGH Son of Nirmal Singh
Resident of New Colony, Ward No.8, P.S. and District-Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Giri
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-12-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 27.11.2018 passed by learned 1st Additional Sessions Judge-cum Special Judge, Saharsa, in connection with Saharsa Sadar P.S. Case No. 149 of 2018 registered under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Petitioner had earlier moved this Court for regular bail vide Cr. Misc. No. 451 of 2019 which was rejected on 12.03.2019 with a liberty to renew his prayer for bail after completing one year in custody.

Informant has alleged in his fardbeyan that on



13.02.2018 at about 7:30 P.M. he was returning in the evening along with his friend Munna @ Sanjay Singh and was proceeding to catch a bus and Chandan Singh (appellant) and Vivek riding on a motorcycle came from behind and Chandan Singh (appellant) fired from his pistol which hit him back side and Vivek was driving the motorcycle and thereafter Chandan Singh (appellant) fled away abusing by his caste name and he was taken away to hospital where he was being treated.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. No motive has been disclosed for firing upon the informant. Appellant is in custody since 28.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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