

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4877 of 2019**

Arising Out of PS. Case No.-52 Year-2019 Thana- MEHANDIGANJ District- Patna

LOHA SINGH @ SANJAY KEWAT Son of Devnarayan Kewat Resident of  
Mallah Toli, Ranipur kali Ashthan, P.S.- Mehandiganj, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      16-12-2019                      By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities ) Act, appellant seeks for setting aside the order dated 13.09.2019, passed in Mehandiganj P.S. Case No. 52/19 (Spl. Case No. 131/19) for the offences punishable under Sections 302, 506, 34 of the Indian Penal Code and 27 of the Arms Act as well as under Section 3(1)(r)(s) 3(2)(Va) of SC/ST Act, by the learned Special Judge SC/ST -cum- Additinal Sessions Judge -XX, Patna, whereby and whereunder, appellant's application for grant of regular bail has been rejected.

Prosecution case is that while the son of informant was coming after taking milk co-accused Jitendra Kumar came and tried to snatch the milk and on protest, the accused persons started abusing the son of informant. Further case is that son of the informant tried to flee away from there but appellant and co-accused Sanni Kumar



caught his hand and on the order of the appellant, his son Jitendra Kumar took out pistol and fired on the son of informant, resulting his death.

It has been submitted on behalf of the appellants that according to F.I.R. itself it is evident that there is no allegation of firing against the appellant rather the same is attributed to co-accused Jitendra Kumar. The appellant has been in judicial custody for more than eight months and chargesheet has been submitted.

Heard, learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and impugned order is set aside, let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST -cum- Additinal Sessions Judge -XX, Patna, in connection with Mehandiganj P.S. Case No. 52/19 (Spl. Case No. 131/19), subject to the condition that appellant will cooperate in disposal of trial and make himself available as and when required by the Trial Court.

**(Vinod Kumar Sinha, J)**

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