

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.675 of 2020**

Arising Out of PS. Case No.-454 Year-2019 Thana- HILSA District- Nalanda

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DINESH PRASAD Son of Late Durga Mahto Resident of Village - Yarpur,
P.S.- Hilsa, District - Nalanda.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

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Appearance :

For the Appellant	:	Mr. Bhola Kumar, Advocate.
For the State	:	Mr. Sadanand Paswan, A.P.P.
For the Informant	:	Mr. Shailendra Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 15-07-2020

Heard learned counsel for the appellant and the learned Additional Public Prosecutor for the State as also the learned counsel for the informant through Video Conferencing.

2. This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is directed against the impugned order dated 09.01.2020 passed in Hilsa P.S. Case No.454 of 2019 by the 1st Additional Sessions Judge, Nalanda at Bihar Sharif, whereby and whereunder the 1st Additional Sessions Judge, Nalanda at Bihar Sharif, rejected the prayer of the appellant to grant him bail in connection with Hilsa P.S. Case No.454 of 2019 registered under Sections 302/34 of the Indian Penal Code, Section 27 of



the Arms Act and Sections 3(x)(G)(H) of the SC/ST Act.

3. The prosecution case, in brief, is that on 08.09.2019 at about 08.00 P.M., Siyasharan Paswan, the father of the informant Bindu Paswan, proceeded from his house for irrigating the paddy crop, situated near Dargah. In the way, near the pond, Nitish Kumar, Dinesh Prasad (appellant), Anish Kumar, Satyalesh Kumar, Baliram Prasad, Gaurav Mistri and Munarik Jamadar, who were present there variously armed with weapons, surrounded the father of the informant and started to abuse him. At that time, on the order of this appellant, co-accused Nitish Kumar fired from his rifle at the father of the informant but, the father of the informant, anyhow, tried to flee away from there. On hearing the sound of firing, the informant along with his mother proceeded to that direction and, in the way, Nitish Kumar fired through his rifle causing injury at the both hands of Malti Devi, the mother of the informant. Thereafter, all caused assault to the mother of the informant through Lathi and Danda, due to which the mother of the informant sustained injuries and became unconscious. On hearing the sound of firing and 'Hullah', the villagers started to come there, then all fled away from there. The mother of the informant, later on, died in course of treatment.



4. Learned counsel for the appellant submits that it would appear from the F.I.R. that Siyasharan Paswan, the father of the informant, was going alone to his field for irrigating the paddy crop when the occurrence is said to have taken place and the informant was not present there. While it is alleged in the F.I.R. that in the firing of Nitish Kumar, the mother of the informant sustained firearm injury at her both hands but in her post-mortem examination, no any firearm injury was found, which indicates that none had seen the occurrence rather, later on, the appellant has been implicated in this case with false allegation as the appellant is accused in four other cases, as detailed in paragraph-3 to this application, and all the cases were lodged by the family of the informant, in which the appellant is on bail. The appellant, in the present case, is in custody since 11.11.2019. Further submission is that the co-accused Nitish Kumar has already been granted the privilege of bail by a Coordinate Bench of this Court vide order dated 20.03.2020 passed in Criminal Appeal (SJ) No.450 of 2020.

5. Having considered the facts and the circumstances of the case, the impugned order dated 09.01.2020 is set aside and this appeal is allowed. The appellant, above named, is directed to be released on bail on furnishing bail bond of



Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge, Nalanda at Bihar Sharif, in connection with Hilsa P.S. Case No.454 of 2019.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2020.
Transmission Date	17.07.2020.

