

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.652 of 2020**

Arising Out of PS. Case No.-285 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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ROSHAN KUMAR S/o Jhingar Yadav R/o village- Kharhat, P.S.- Kamal,
District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arjun Prasad

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 08-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Sadanand Paswan, the learned Special PP for the State.

The present appeal is directed against the order dated 21.1.2020, passed by the learned Special Judge SC/ST (POA) Act, Begusarai whereby and whereunder he has rejected the bail of the appellant in connection with S.Kamal P.S.Case No. 285 of 2019, lodged for the offences punishable under Sections 452, 341, 323, 354B, 504, 506 of the Indian Penal Code read with Section 3(i)(w), 3(2)(va) of the SC/ST (POA) Act and Section



25(1-b)a/26 of the Arms Act.

The case of the prosecution as per the written report of the informant, namely, Ramratan Das in brief is that while he was sleeping in his courtyard in the night of 18.9.2019, after taking his food and his wife had gone to Baburahi to watch dance as also his daughter, Anjali Kumari was sleeping along with his younger son, Niraj Kumar, in the night at about 2.30 hours, he heard cry of his daughter, Anjali Kumari, whereupon the informant is stated to have seen the petitioner using force with his daughter and was pulling her hand, whereafter he had aimed pistol on the forehead on his daughter and threatened the informant, however, on account of the commotion, the pistol fell from the hand of the accused-petitioner, whereafter, he ran away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 21.9.2019. It is further submitted that a bare perusal of the materials on record would show that improbable story has been cooked up to falsely implicate the petitioner herein.

Per contra, the learned Special PP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the period of incarceration of the petitioner as also the fact that he is having a clean antecedent and a superficial type of allegation has been leveled against him, I deem it fit and proper to direct for release of the petitioner on regular bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA), Act, Begusarai in connection with S. Kamal P. S. Case No. 285 of 2019.

Accordingly, the impugned order dated 21.1.2020 passed by the learned court of Special Judge, SC/ST (POA) Act, Begusarai in connection with S.Kamal P.S. Case No. 285 of 2019 is quashed.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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