

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.726 of 2020**

Arising Out of PS. Case No.-63 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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NITISH KUMAR Son of Gopal Singh @ Rajesh Kumar Resident of Village -
Pahsara, P.S.- Nawkothi, Dist.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jai Shanker Prasad
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 01-06-2020 Heard learned counsel for the parties.

This appeal has been preferred under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the Act’), putting to challenge an order dated 04.01.2020 passed by learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the Act’) in Nawkothi P.S. Case No. 63 of 2019 registered for the offences punishable under Sections 341,323,307,504,506/34 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(i) (2) (s) and 3(2) (v) of the Act.

Learned counsel appearing on behalf of the appellant has taken me to the First Information Report to contend that there is allegation against co-accused Gore Lal Singh and the present



appellant of having opened fire allegedly leading to fire arm injury on the person of the informant. He submits that the appellant's case and the case of Gorelal Singh are on similar footing. He has referred to an order of this Court passed in Cr. Appeal (SJ) No. 446 of 2020, whereby the said co-accused Gorelal Singh has been directed to be released on regular bail.

On close scrutiny of the First Information Report, I find substance in the submission made on behalf of the appellant that the appellant's case is on similar footing as that of co-accused Gorelal Singh, who has been allowed bail by this Court by the aforesaid order.

Considering the above, the impugned order dated 04.01.2020 passed by the learned Special Judge (SC/ST Act), Begusarai in Nawkothi P.S. Case No. 63 of 2019 is set aside.

This appeal is allowed.

Let the above-named appellant be released 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 Special Judge (SC/ST Act), Begusarai in Nawkothi P.S. Case No. 63 of 2019.

(Chakradhari Sharan Singh, J)

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