

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1045 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- VIDYAPATINAGAR District- Samastipur

Kundan Kumar @ Kundan Kumar Singh @ Kundan Singh Son of Sunil
Kumar Singh @ Fudo Singh Resident of Village - Harpur Bochha, P.S.-
Vidyapati Nagar, District- Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Dhananjai Kumar Singh, Advocate
For the Respondent : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-06-2020 Heard learned counsel appearing on behalf of the
appellant and learned counsel appearing on behalf of the State.

This appeal is directed against the order dated
15.02.2020 passed by Additional District Judge 1st-cum-
Special Judge, Samastipur in connection with Vidyapati Nagar
P.S. Case No. 08 of 2020 for the offence under Sections 147,
148, 149, 323, 341, 354B/34 and 307 of the Indian Penal Code
and Section 3(i) (r)(s)(w) and 3(2)(va) of the Scheduled Castes
& Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he along
with 11-12 unknown persons surrounded son, daughter, nephew
of the informant and injured them. The allegation against this
appellant is that he caused injury to Punam Kumari from the
butt of the pistol and pushed Ritu Kumari on the ground by



catching her hair and abused them by calling their caste name.

The appellant is in custody since 03.01.2020.

Considering the totality of the fact including the fact that the allegation of assault on the injured is by the butt of the pistol and not by pistol, the Court is inclined to allow the appeal.

Accordingly, the order dated 15.02.2020 by Additional District Judge 1st-cum-Special Judge, Samastipur in connection with Vidyapati Nagar P.S. Case No. 08 of 2020 is set aside. The Appeal is allowed. The appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount to the satisfaction of learned Additional District Judge 1st-cum-Special Judge, Samastipur in connection with Vidyapati Nagar P.S. Case No. 08 of 2020, subject to the condition that the appellant shall render his service as volunteer in the District Health Centre for a period of three months in dedicated Covid hospital. He is required to report the District Nodal Officer in the concerned region who shall utilise the service of the appellant appropriately.

(Anil Kumar Upadhyay, J)

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