

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1212 of 2020

Arising Out of PS. Case No.-55 Year-2017 Thana- JAYRAMPUR District- Sheikhpura

MUNCHUN SINGH Son of Late Mahendra Singh @ Mahendra Singh
Resident of Village- Narsinghpure, P.S.- Jayrampur, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Mrs. Usha Kumari, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 20.02.2020 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura in Bail Petition No. 122 of 2020 arising out of Jairampur P.S. Case No. 55 of 2017 registered under Sections 341, 324, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 3(2) (Va) 3(R) (S) of the Scheduled Caste and Scheduled Tribe (Prevention of



Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of bail has been refused.

The case of the prosecution in brief is that while the informant was sitting at the Bathan (open space) of his house, the petitioner had arrived there whereafter he had abused him by taking his caste name and then he had fired with his pistol on his head resulting in the informant being injured.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case, is having clean antecedent and he is languishing in custody since 21.01.2020. The learned counsel for the appellant has further submitted that a general and omnibus allegation has been leveled and in fact the injury report would bear it out that no gun shot injury has been found on the person of the informant and the nature of injury has been stated by the doctor to be simple in nature caused by hard blunt substance, hence it is submitted that the informant has concocted a false story only with the motive of falsely implicating the appellant.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the



materials available on record as also those available in the case dairy, including the injury report of the informant, I deem it fit and proper to direct for release of the appellant herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 333 of 2017 arising out of Jairampur P.S. Case No. 55 of 2017.

Consequently the impugned order dated 20.02.2020 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura in Bail Petition No. 122 of 2020 arising out of Jairampur P.S. Case No. 55 of 2017 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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