

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1197 of 2020

Arising Out of PS. Case No.-32 Year-2016 Thana- SANGRAMPUR District- East
Champaran

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DEVENDRA SINGH Son of Late Kunjbihari Singh Resident of Village -
Kurkut Rai Mathiya, Police Station - Sangrampur, District - East Champaran.
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Virendra Kuar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-06-2020 Heard the learned counsel for the appellant and the

learned Spl.PP for the State.

The present appeal is directed against the order dated 29.01.2020, passed in Sangrampur PS case no. 32 of 2016 registered for the offences punishable under Sections 341, 323, 379, 427, 504/34 of Indian Penal Code and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of regular bail has been rejected.

The case of the prosecution in brief is that on 18.03.2019, the informant who is a Public Distribution Shop dealer, was going along with Barun Kr. Singh to Areraj on a motorcycle for the purposes of depositing advance money for lifting the allotted kerosene oil and in between, the appellant



and four other unknown miscreants stopped the motorcycle while brandishing revolver and started abusing the informant by taking his caste name, whereafter they put the revolver on the forehead of the informant and snatched a sum of Rs. 60,000/- and then fled away.

The learned counsel for the appellant has submitted that the appellant is innocent and has been falsely implicated in the present case. It is further submitted that the appellant is having a fair antecedent except being an accused in one other case, in which he is on bail. It is further submitted that on account of the appellant having protested and raised the issue pertaining to irregularities being committed by the informant in distributing ration and kerosene oil to the consumers and having made complaint regarding the same before the District Magistrate, Motihari, B.D.O. and Market Officer, Sangrampur resulting in raid having been conducted at the shop of the appellant, the informant with vengeance has lodged the present false case against the appellant herein. It is further submitted that appellant is languishing in custody since 13.01.2020.

Per contra, the learned Spl.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 advanced by the learned counsel for the appellant as also taking into account the fact that no recovery of the looted cash amount has been made from the conscious possession of the appellant and there is no specific allegation of any sort of overt act against him, this Court feels that it would be equitable and just to grant benefit of doubt to the appellant for the purposes of grant of regular bail, thus this Court deems it fit and proper to direct for release of the appellant on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Sangrampur PS case no. 32 of 2016.

Accordingly, the order dated 29.01.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Sangrampur PS case no. 32 of 2016, is set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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