

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1301 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- PATAHI District- East Champaran

Birendra Singh @ Virendra Singh Son of Late Shiv Shankar Singh Resident
of Village - Kumharar (Kumharar), P.S.- Phenhara, Dist.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-06-2020 Heard learned counsel for the appellant and
learned APP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 26.2.2020 passed in Patahi P.S. Case no. 175 of 2019 whereby the prayer for regular bail of the appellant was rejected and for grant of regular bail to the appellant in the above case.

As per allegation in the FIR registered under sections 302, 394 and 120B of the Indian Penal Code, section 27 of the Arms Act and section 3(2) (v) (r) (s)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, while the informant and his father were returning on a motorcycle, at about 8 pm some unknown persons fired at his father due to



which he fell down injured and the accused persons took away his motorcycle. He was taken to the hospital from where he narrated about the occurrence on telephone to his nephew. It is further stated that his father died in course of treatment as a result of negligence in the hospital. The informant further stated that the member of the ward, about 10 days back, had abused his father in the name of his caste.

It is submitted by learned counsel for the appellant that he is not named in the FIR, no incriminating material has been recovered from his possession nor has he been put on T I parade. There is no eye-witness to the occurrence and his name transpired in the confessional statement of co-accused made before the police. There is no other material against him. A number of co-accused have been enlarged on bail, one of the order of which is Annexure 3 to the petition. The appellant is in custody since 26.2.2020 and has no criminal antecedent.

The appeal is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the grant of bail to the co-accused, the Court is inclined to allow this appeal. The



order dated 26.2.2020 passed in Patahi P.S. Case no. 175 of 2019 by the learned 1st Additional District Sessions Judge-cum-Special Judge SC/ST (POA) Act, East Champaran at Motihari is hereby set aside and the appeal is allowed. The appellant is directed to be enlarged on bail in connection with Patahi P.S. Case no. 175 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari

(Partha Sarthy, J)

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