

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1354 of 2020

Arising out of PS. Case No.-72 Year-2019 Thana- TEYAR District- Bhojpur

Manoranjan Singh @ Manoranjan Prasad Singh, Son of Late Lalan Singh
Resident of Village - Rangrua, P.S.- Tiyaar, Dist.- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari-I, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Manoj Kumar, learned counsel for the appellant and Mrs. Usha Kumari 1, learned APP for the respondent-State.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 19.03.2020 passed by learned Additional Sessions Judge-I, Bhojpur at Ara, whereby the appellant's prayer for bail in connection with SC/ST Case No. 124 of 2019 arising out of Tiar P.S. Case No. 72 of 2019 registered for the offences punishable under Sections 341/323/307/504/506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(i)/3(2)(v)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case, as per the farbeyan of Vivek



Kumar @ Lal Bahadur Ram recorded by S.I. Mr. Arun Kumar Ara Town P.S. on 11.08.2019 at 07.00 A.M., is to the effect that on 10.08.2019 at 8.00 P.M., the appellant and co-accused Sheojee Singh asked the informant to withdraw Tiar P.S. Case No. 75 of 2017 and on refusing to withdraw the case the appellant assaulted with the butt of the gun on back and chest of the informant and co-accused Sheojee Singh abused him by calling his caste name and the appellant resorted to fire.

It is submitted by learned counsel for the appellant that in the background of old enmity the accusation has been levelled against the appellant and there is no eye witness to the alleged occurrence. Neither the FIR nor the impugned order suggests that the injury has been caused to the informant and the investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the appellant is not having any criminal antecedent.

Mrs. Usha Kumari I, learned APP submits that the accusation is specific against the appellant.

Considering the fact that the investigation has already been concluded, neither the FIR nor the impugned order suggests that any injury has been caused to the informant, coupled with the statement made in paragraph no. 3 of the



petition that the appellant is not having any criminal antecedent, the order dated 19.03.2020 is, hereby, set aside and the appellant above named is directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of the learned learned Additional Sessions Judge-I, Bhojpur at Ara in connection with SC/ST Case No. 124 of 2019 arising out of Tiar P.S. Case No. 72 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Bhojpur at Ara in connection with SC/ST Case No. 124 of 2019 arising out of Tiar P.S. Case No. 72 of 2019.

The learned Court below is at liberty to further extend



the period of provisional bail if the lock down is not over in next
three months.

Accordingly, the appeal is allowed.

(Dinesh Kumar Singh, J)

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