

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1388 of 2020**

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

VIKAS SINGH Son of Ajay Singh Resident of Village- Patkhauliya, P.S.-
Muffasil, District- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-07-2020 Heard learned counsel for the appellant and learned
Spl. P.P.for the State.

This criminal appeal has been preferred for setting aside the order dated 09.06.2020 passed by learned Ist Additional Sessions Judge cum Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran at Motihari in connection with Sugauli P.S. Case No. 115 of 2019 registered for the offences punishable under Sections 307, 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(ii) (v) of the SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Earlier prayer for bail of the appellant was rejected vide order dated 25.11.2019 passed by a learned co-ordinate



Bench of this Court in Cr. Appeal (SJ) No. 3675 of 2019 with an observation that the appellant may renew his prayer for bail after framing of charge. The order of learned co-ordinate Bench is available as Annexure '1' to the present appeal.

Learned counsel for the appellant has submitted before this Court that now the charge has already been framed and in course of trial the injured Munna who was accompanying the deceased has been examined. He has stated that at the time of alleged occurrence he could not identify the assailants. He has stated in course of his cross-examination by defence that he had never seen this appellant and he was not among the persons who had fired upon him and his brother-in-law who died. PW 2 and PW 3 have also not supported the prosecution case and further the co-accused Raj Mohan Singh has already been released on bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1961 of 2019.

Learned Special PP has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein as per the order of learned co-ordinate Bench this appellant has renewed his prayer for bail and it appears from the materials available on the record that co-accused has already



been granted bail by a learned co-ordinate Bench of this Court and further in course of trial the injured witness who is the cousin brother of the informant and was accompanying the deceased has categorically stated that this appellant was not the assailant, let the impugned order be set aside.

The appellant named above is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge cum Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran at Motihari in connection with Sugauli P.S. Case No. 115 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the appellant.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

