

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1425 of 2020

Arising Out of PS. Case No.-454 Year-2019 Thana- HILSA District- Nalanda

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Anish Kumar Son of Late Shyam Sundar Prasad Resident of Village - Yarpur,
P.S.- Hilsa, District - Nalanda

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Ms. Vaishnavi Singh, Adv.
For the Respondent/s : Mr. Vinay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-09-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

At the outset, it is submitted by learned counsel for the appellant that a supplementary affidavit has been filed on behalf of the appellant stating therein that due to inadvertence in paragraph no. 3 of the memo of appeal it had wrongly been mentioned that the appellant has got no criminal antecedent. It is submitted that the appellant had been made accused in two cases as mentioned in the supplementary affidavit, one of which was filed by the informant of the present case itself and that the appellant is on bail in both the cases.

As per the office note, defect nos.6(1) to 6(7) vide Stamp Report dated 18.8.2020 still stand. Learned counsel for the petitioner is directed to remove the defects within four



weeks of start of normal working of the Courts.

The appellant has filed the instant appeal for bail in connection with Hilsa P.S. Case No. 454 of 2019 registered under sections 302/32 of the Indian Penal Code, section 27 of the Arms Act and section 3(x)(g)(h) of the SC and ST (Prevention of Atrocities) Act.

As per allegation in the FIR, accused persons including the appellant as also one Nitish Kumar, all variously armed are stated to have surrounded the informant and others, abused them and it is further stated that on the orders of Dinesh Kumar it was the accused Nitish Kumar who fired from his rifle injuring the mother of the informant.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are false and concocted. The allegation of the mother of the informant having sustained firearm injury is not supported from the postmortem report which would be evident from the order dated 20.3.2020 (Annexure-2) granting bail to co-accused Nitish Kumar. It is submitted that the case of the appellant stands on a batter footing to the said Nitish Kumar and the appellant is in custody since 16.3.2020.

The application for bail is opposed by learned APP



for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant, the appeal is allowed and the order dated 12.6.2020 is set aside. The appellant is directed to be enlarged on bail in connection with Hilsa P.S. Case No. 454 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Biharsharif.

(Partha Sarthy, J)

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