

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1461 of 2020**

Arising Out of PS. Case No.-60 Year-2020 Thana- TARARI District- Bhojpur

Akhilesh Kumar , aged about 19 years, male, son of Bahadur Singh, Resident of Village - Durupur, P.S. Tarari, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

5 15-12-2020 Heard Mr. Prabhat Kumar Singh, learned counsel for the appellant and Mr. Binay Krishna, learned Special Public Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated 11.06.2020 passed by learned 1st Additional District and Sessions Judge, Bhojpur at Ara in SC/ST Case No. 65 of 2020 arising out of Tarari P.S. Case No. 60 of 2020 under Sections 452 , 376 , 511 , 307, 34 of the IPC, Section 27 of the Arms Act and Section 3 (i)(r)(s) / 3 (2) (va) of the SC / ST Act whereby the prayer for regular bail of the appellant has been rejected.

The allegation as per the First Information Report is that the appellant along with other accused persons entered into the house of the informant and tried to outrage the modesty of his wife and upon “hulla” the other villagers assembled at the



place of occurrence and the appellant along with others armed with pistol started firing due to which the informant and others received pellet injuries.

Learned counsel for the appellant submits that appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case due to dispute between the neighbours inasmuch the appellant is a next door neighbour of the informant. Learned counsel further submits that during the course of investigation no serious injury has been found on the person of the injured and the doctor has opined that injuries caused to the victims are simple in nature. Learned counsel further submits that appellant is a student and after passing his matriculation examination he has taken admission in 10+2 course and pursuing studies. Learned counsel further submits that appellant is in custody since 07.04.2020.

On the other hand, learned counsel for the State referring to the case diary submits that doctor has opined that one of the victims has received fire arm injury but in the opinion of the doctor, the injury is simple in nature.

Having regard to the submission made by the parties and taking into consideration the materials available on record and the fact that appellant is in custody since 07.04.2020 and is



a college going student, this appeal is allowed and the order dated 11.06.2020 passed by 1st Additional District and Sessions Judge, Bhojpur at Ara in SC / ST Case No. 65 of 2020 arising out of Tarari P.S. Case No. 60 of 2020 is set aside.

Accordingly, let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Bhojpur at Ara / court concerned in connection with SC / ST Case No. 65 of 2020 arising out of Tarari P.S. Case No. 60 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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