

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1586 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

JAI PRAKASH @ JAI PRAKASH SINGH Son of Jag Narayan Kushwaha @
Jag Narayan Singh Resident of Village- Muthani, P.S.- Mohania, District-
Kaimur (Bhabhua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pawan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Addl Public Prosecutor Mr. Rajesh Kr.Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-12-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 8.5.2020, passed by learned Special Judge, SC/ST, Kaimur at Bhabua, subsequently modified by order dated 23.5.2020, in a case registered for the offence punishable under Section 379 and other allied sections of the Indian Penal Code, 27 of the Arms Act and Section 3 (i) (r)/3(2)(va) of the SC/ST Act, whereby regular bail of the appellant has been rejected.

The allegation against the appellant is that the appellant along with other accused persons came to the field of the informant with Tangi, Farsa and country made pistol. Appellant as well as co-accused Vijay Shankar Kushwaha



hurled Tangi blow on the informant and his brother by calling their caste name, as a result of which they sustained injuries. Charge sheet has also been filed in the case.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to some land dispute. Both the parties are close neighbourer. Out of five injuries, one injury is grievous in nature. Appellant has no criminal antecedent and he is in custody since 16.3.2020.

Learned counsel for the state as well as learned counsel appearing for the informant on the other hand oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 8.5.2020 is set aside.

Accordingly, prayer of bail of the appellant is allowed.

Let the appellant above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge, Kaimur at Bhabua on the following conditions:-



(1) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

