

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5095 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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GOVIND KUMAR @ GOVIND MISHRA Son of Babloo Mishra @ Bablu
Mishra Resident of Village - Pahsara, P.S.- Now Kothi, District- Begusarai

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

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Appearance :

For the Appellant : Mr. Ram Sumiran Rai, Advocate.
For the State : Ms.Usha Kumari-1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 22-01-2020

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Prevention
of New Amendment of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 2016, is directed against the
order dated 25.09.2019 passed by the Special Judge, SC/ST
(POA) Act, Begusarai, whereby and whereunder the prayer of
the appellant to grant bail in connection with Nawkothi P.S.
Case No.63 of 2019 registered under Sections 341, 323, 307,
504 and 506/34 of the Indian Penal Code besides Section 27 of
the Arms Act and Sections 3(I)(R)(S) and 3(II) (V) of the SC/ST
Act has been rejected.



The prosecution case, in brief, is that in the evening of 09.06.2019, the informant Arjun Sada along with his mother Kusma Devi was present at his door. At that time, 5 persons, borne on two motorcycles, came there. Out of the aforesaid 5 persons, the informant identified Gorelal Singh, Nitish Kumar and Govind Mishra (appellant). Gorelal Singh, Nitish Kumar and this appellant, who were armed with pistol, started to cause assault to the mother of the informant. When the informant made protest, then Gorelal and Nitish started to abuse to the informant denoting caste name and asked the informant to kill him. Thereafter, Gorelal and Nitish with an intention to kill the informant shot fire at him, which hit at his thigh and 'Peru'. Thereafter, this appellant also shot fire to create terror.

Learned counsel for the appellant submits that it would appear from the F.I.R. that the only allegation against the appellant is that at the time of the occurrence, to create terror, he made firing. The appellant has no criminal antecedent and is in custody since 16.09.2019. After investigation, the police has already submitted the charge-sheet against the appellant.

Having considered the facts and the circumstances of the case, the impugned order dated 25.09.2019 is set aside and this appeal is allowed. The appellant, above named, is directed



to be released on bail on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Special Judge, SC/ST (POA) Act,
Begusarai, in connection with Nawkothi P.S. Case No.63 of
2019.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020.
Transmission Date	23.01.2020.

