

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.5166 of 2019**

Arising Out of PS. Case No.-549 Year-2019 Thana- DANAPUR District- Patna

AAKASH KUMAR Son of Pappu Prasad Resident of Village- Nasriganj Near
Panchayat Bhawan, Rampal Ji Ka Kirayedar Police Station- Danapur,
District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Ranjan Kumar, Adv.

For the Respondent/s : Ms.Usha Kumari I, Spl. P.P.

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

7 26-08-2020 Perused the show cause at Flag 'I' and 'J'. The show
cause are accepted.

Learned counsel for the appellant undertakes to
remove the defects within three weeks after start of normal
functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. APP representing the State.

Appellant in the present case is seeking setting aside
of the order dated 18.10.2019 passed in Special Case No.314 of
2019 by the learned ADJ XX-cum-Special Judge, SC/ST Act,
Patna arising out of Danapur P.S. Case No.549 of 2019
registered for the offences under Sections
307/341/323/325/504/506/34 of the Indian Penal Code, under



Section 27 of the Arms Act and Section 3(1)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the main allegation of firing is against co-accused Chandan and Nepali. There is no allegation of commission of any overt act against the appellant. The co-accused have already been granted bail by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.4939 of 2019. This appellant has remained in custody since 16.07.2019, investigation is complete and at this stage the petitioner may be released on bail. He has otherwise no criminal antecedent.

Ms. Usha Kumari, learned Spl. P.P. is present. It not disputed that the case of this appellant stands on a better footing than that of the co-accused who have already been granted bail. There is also no allegation of firing against the appellant and he has no criminal antecedent.

In the circumstances, the impugned order is set aside and the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned ADJ XX-cum-Special



Judge, SC/ST Act, Patna in Special Case No.314 of 2019 arising out of Danapur P.S. Case No.549 of 2019, subject to the conditions 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.

(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'.

