

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1307 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- BARH District- Patna

BIJLI KUMAR Son of Ram Janam Yadav @ Lallu Rai Resident of Village
and Post - Bhatgaon, P.S.- Barh, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Prem Kumar, Advocate

For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-06-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant and the
learned Special PP for the State.

3 The appellant has preferred the present Appeal
under Section 14 - A (2) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for brevity, *SC/ST Act*),
1989 against the refusal of his prayer for regular bail vide
order dated 16.10.2020 passed in Special Case No 324 of 2020
by Additional Sessions Judge X -cum- Special Judge, SC/ST
Act, Patna in a case registered under Sections 341, 323, 307,
504/34 of Indian Penal Code, Section 27 of Arms Act and
Sections 3 (i) (r) (s)/3 (2) (va) of SC/ST Act in connection with
Barh Police Station (for brevity, *PS*) Case No 260 of 2020.



4 There is allegation that 6 – 7 persons have come and assaulted the informant.

5 Appellant's counsel submits that specific firearm injury is attributed to co-accused Badal Kumar and Rudal Kumar. Against the other co-accused including the appellant, there is omnibus allegation of assault. The appellant, as per statement in the Memo of Appeal, bears no criminal antecedent.

6 This Court had earlier called for case diary. From perusal of the same, it appears that independent witnesses have not supported the allegations. Injury Report also does not sustain the general and omnibus allegations of assault by *lathi/danda* made against the appellant. The appellant is in custody since 26.07.2020.

7 Learned Special PP has opposed the prayer for bail.

8 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 16.10.2020 requires interference by this Court, which is, accordingly, set aside.

9 This appeal is allowed. The impugned order dated 16.10.2020 passed in Special Case No 324 of 2020 by Additional Sessions Judge X -cum- Special Judge, SC/ST Act, Patna in connection with Barh PS Case No 260 of 2020 is set aside.

10 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge X -cum- Special



Judge, SC/ST Act, Patna in Barh PS Case No 260 of 2020
subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2021
Transmission Date	22.06.2021

