

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1350 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- CHANDI District- Nalanda

RAJNISH KUMAR, aged about 25 years, Gender-Male, Son of Arun Singh,
Resident of Village - Manpur, P.S.- Wena, Distt.- Nalanda.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Shyamal Prakash, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellant submits that the
limitation, as pointed out by the office, be condoned in the light
of the order dated 08.03.2021, passed by the Hon'ble Apex
Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of
learned counsel for the appellant, the limitation, as pointed out
by the office, is condoned.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.



The matter relates to grant of anticipatory bail to the appellant in A.B.P. No. 1826 of 2020, arising out of Chandi (Wena) P.S. Case No. 122 of 2020, registered for the offences under Sections 147, 148, 341, 323, 307, 379 of the I.P.C. and 3(1)(r)(s) of the SC/ST Act and 27 of the Arms Act.

The prosecution case, in short, is that on 01.04.2020, the informant was going to Sirnawan Village where the appellant and other accused persons surrounded him and co-accused Abhishek Kumar, Ranjeet Singh and Rajan Kumar put the pistol upon him and threatened him by using obscene words that if he raised hulla he would be killed. Thereafter, they took him to Sirnawan Chhilka where this appellant, co-accused Navin Kumar and Nitish Kumar took out Rs. 3,000/- and golden chain from him. Co-accused Satyendra Singh, Maheshwar Prasad Singh and Shiv Kumar Singh assaulted him with Iron rod causing injuries. Thereafter, all the accused persons by using the caste name of the informant exhorted to kill him. Co-accused Maheshwar Prasad Singh @ Mithilesh Singh kept on beating him with rod and having heard the noise of hulla of him, the nearby shepherds came there keeping their Lathis and Danda in their hands and as such all the accused persons left the scene having fired from pistol. Thereafter, the informant became



unconscious and subsequently he was taken to Sadar Hospital, Bihar Sharif, Nalanda, for his treatment.

It has been submitted on behalf of the appellant that the appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. The allegation of assault is against other accused persons. F.I.R. has been instituted after two days of the alleged occurrence. Delay has not been explained by the prosecution. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 07.10.2020, passed in A.B.P. No. 1826 of 2020, arising out of Chandi (Wena) P.S. Case No. 122 of 2020 by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda, is set aside. The criminal appeal is allowed.

Let the appellant above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his



personal bond to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda, in connection with Chandi (Wena) P.S. Case No. 122 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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