

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1454 of 2021**

Arising Out of PS. Case No.-164 Year-2018 Thana- SINGHIYA District- Samastipur

KISHORE KUMAR SINGH @ KISHORE SINGH Son of Late Onkar Singh
Resident of Village - Basudeva, P.S.- Singhia, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-03-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appeal has been filed by the appellant against the order dated 30.09.2020 by the learned Additional Sessions Judge cum Special Judge S.C./S.T. Act, Samastipur in connection with Singhia P.S. Case No. 164/2018 registered for the offences under Sections 147, 148, 149, 323, 341, 504, 506, 302, 307 of the Indian Penal Code and under Sections 3 (i)(r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby prayer for bail of the appellant was rejected.

Allegation against the appellant alongwith six other named accused persons and 40 unknown miscreants is of taking wine at the school. They are also said to have thrashed the



husband of the informant by means of lathi resulting into his death.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. The appellant is not named in FIR, during investigation his name has been transpired. There is general and omnibus allegation against the appellant. Though around 50 persons are said to have assaulted the deceased indiscriminately by means of lathi, but the doctor conducting the autopsy of the deceased has found only one lacerated injury on the right temporal region and one swelling on right wrist of the deceased. Assailant of the said injury is not ascertained. The appellant is in custody since 14.09.2020. He further submits that co-accused have been granted bail vide order dated 25.04.2019 passed in Cr. Misc. (SJ) No. 1612/2019 and order dated 29.07.2019 passed in Cr. Misc.(SJ) No.2824/2019.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances of this case, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned 1st Additional Sessions Judge cum
Special Judge SC/ST Act, Samastipur in connection with
Singhia P.S. Case No. 164/2018.

Accordingly, the order dated 30.09.2020 is set
aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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