

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1325 of 2021**

Arising Out of PS. Case No.-57 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

Rajesh Singh Son of Late Radha Raman Singh Resident of Village- Sabar,
P.S.- Karamchat, Dist- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan Spl PP.
For the informant	:	Mr. Ashok Kumar Garg Adv.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 26-03-2021

Heard learned counsel for appellant, informant and learned Spl. PP for the State.

2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') against the refusal of prayer for regular bail vide order dated 18.12.2020 passed by learned Additional District and Sessions Judge 1st-cum Special Judge Kaimur at Bhabua in Karamchat PS Case 57 of 2020, registered under Sections 302, 406, 420, 120B of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) of the SC/ST Act.

4. The dead body of the informant's son has been recovered allegedly from the *Darwaja* of the appellant. The



informant has stated that he was shot dead and the body was lying there. He has implicated the appellant and other persons for causing the death.

5. The counsel for the appellant has submitted that even as per the prosecution case the informant is not a witness to the occurrence. The case of the prosecution that victim died on account of gun shot injuries stands belied by the postmortem report which finds the death having been caused by stab injuries. During investigation it has surfaced that the appellant's son co-accused Raushan Singh has stabbed the victim and he is in custody. The appellant being father of Raushan Singh has been implicated on extraneous considerations as it is apparent that there was some issue regarding selling of a piece of land also. Having no criminal antecedents the appellant is stated in custody since 21.10.2020.

6. The learned counsel for the informant and Spl. PP have opposed the prayer for bail. It is submitted that earlier also the appellant had meted out threats to the victim and dead body has been recovered from the *Darwaja* of the appellant itself.

7. Considering the rival submissions, this appeal is allowed. The impugned order dated 18.12.2020 passed by learned Additional District and Sessions Judge-1-cum Special Judge Kaimur at Bhabua in Karamchat PS Case 57 of 2020, is set aside. Let the appellant, above named, 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 learned Additional District and Sessions Judge-1-cum Special Judge Kaimur at Bhabua, in Karamchat PS Case 57 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the appellant 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.

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

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.03.2021
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