

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1366 of 2021

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

JHUNNU SINGH S/o Madan Singh Resident of Village- Patkhaulia, P.S.-
Motihari (Muffasil), District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Priyesh Kumar, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defect(s), 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 connection with a case registered for the offences
under Sections 307, 302 of the Indian Penal Code and Section
27 of the Arms Act and Sections 3(i)(x)(v) of the SC/ST
(Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that on 23.03.2019
the informant's husband and her cousin were going to demand
the dues money and at about 11 a.m. they reached near Baksa
village, then the accused persons came and started abusing by



taking his caste name. Thereafter they started fleeing away, but the accused persons including the appellant surrounded her husband and brother and started firing upon her husband and killed him. His brother also received injury in the stomach, who was taken to the Hospital for treatment.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in this case. As per the F.I.R., fire arms injury is said to have been used in course of occurrence, but from the postmortem report, it appears that there is no fire arms injury on the body of the deceased, rather a sharp cut weapon's injury is said to have been found on the body of deceased. The postmortem report does not corroborate the allegations made in the F.I.R. The alleged occurrence has not taken place within public view. Hence, no offence under the 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 21.12.2020, passed by the 1st A.D.J.-cum-Special Judge, SC/ST Act, Motihari, East Champaran in A.B.P. No.2539



of 2020, in connection with Sugauli P.S. case No.115 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/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 learned 1st A.D.J.-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Sugauli P.S. case No.115 of 2019.

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)

Narendra/-

U		T	
---	--	---	--

