

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1668 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- NAYAGAON District- Begusarai

POSHAN SINGH @ RAUSHAN SINGH SON OF SRI BAIJNATH SINGH
@ BAIJU SINGH R/O VILLAGE- SONAPUR MARATH, P.S NAYAGAON,
DIST- BEGUSARAI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Mritunjay Kumar, Advocate
For the Respondent/s	:	Ms Usha Kumari, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 31-05-2021

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 of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his
prayer for regular bail vide order dated 22.12.2020 passed by Special
Judge, SC/ST Act, Begusarai in a case registered under Sections 147,
148, 149, 341, 323, 385, 307, 379 of Indian Penal Code, Section 27 of
Arms Act and Sections 3 (i) (r) (s) of SC/ST Act in connection with
Nayagaon Police Station (for brevity, *PS*) Case No 39 of 2020.



4 There is allegation that 11 persons including the appellant have surrounded the informant's brother while he was on way and fired upon him for intimidating for the purposes of extortion.

5 Appellant's counsel submits that the informant has specifically stated that the firing, which the appellant did, has hit his brother on the left hand. It is further submitted that such specific allegation, levelled in the First Information Report (for brevity, *FIR*), stands belied by the statement of the victim himself recorded in paragraph 87 of case diary wherein he has stated that co-accused Mangal Singh has fired which hit him but the said Mangal Singh has been allowed bail by this Bench in Cr Appeal (SJ) No 471 of 2021 on 08.03.2021. The appellant is in custody since 09.12.2020 and there is one more case pending against him, namely, Nayagaon PS Case No 65 of 2020. It is also submitted that the same is subsequent to the present case and appellant has no criminal antecedent prior to lodging of the present case.

6 Learned Special PP for the State has opposed the prayer for bail.

7 In my opinion, in view of nature of accusation in the FIR, a case for grant of regular bail is made out. The impugned order dated 22.12.2020 requires interference by this Court, which is, accordingly, set aside.

8 Considering the rival submissions, this appeal is allowed. Part of impugned order dated 22.12.2020 passed by Special Judge, SC/ST Act, Begusarai in connection with Nayagaon PS Case No 39 of 2020 is set aside.

9 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 Special Judge, SC/ST Act, Begusarai in Nayagaon PS Case No 39 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	01.06.2021
Transmission Date	01.06.2021

