

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1685 of 2021

Arising Out of PS. Case No.-390 Year-2020 Thana- NATHNAGAR District- Bhagalpur

PRINCE SINGH Son of Surendra Singh Resident of village - Noorpur, Rajput
tola, Near Kalisthan, P.S. - Madhusudanpur, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-04-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 14.12.2020 passed by the learned 3rd A.D.J. -cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 390 of 2020 instituted for the offence under Sections 341, 323, 386, 307, 504, 506/34 of the Indian Penal Code, Section 25(1-b)a/26/27 of the Arms Act, Sections 3/4 of the Explosive Substance Act and Section 3(i)(r) (s) of the SC/ST Act, and also for setting aside the aforesaid order dated 14.12.2020.

While the informant was on his way he has been stopped by the instant appellant along with other co-accused persons and



abused by caste name. Against the appellant, there is allegation that he has taken out Rs. 1650/- from the informant pocket also.

It is submitted by learned Counsel for the appellant that specific allegation of abuse is against co-accused and not against the appellant. He is one amongst various persons who were sitting at the place where the informant has been stopped. Firing has been attributed against co-accused Vishnu Kumar and Mannu Singh as well as Vinod Singh. The appellant is in custody after his remand in the instant case on 29.9.2020 from his custody in Nathnagar PS Case No. 549 of 2020 wherein he has been alleged to have been caught inebriated. Further submission is that co-accused Mannu Singh against whom there is allegation of firing, from whose house various fire arms and bombs have allegedly been recovered, has been allowed bail in Cr. Appeal No. 1420 of 2021 by order dated 5.3.2021.

Learned Special P.P. has opposed the prayer for bail. It is submitted that the appellant as per prosecution case was also one of the person who has indulged in the alleged occurrence.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd A.D.J. cum Special Judge, SC/ST Act, Bhagalpur. in connection with Nathnagar (Madhusudanpur) P.S. Case No. 390 of 2020.

In the result, the appeal is allowed and the impugned order dated 14.12.2020 is set aside.

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(Madhuresh Prasad, J)

