

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1981 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- MAIGRA District- Gaya

Nand Kishor Sharma @ Nand Kishor Mistry Son of Tulsi Sharma Resident of
Village- Barani, Police Station- Maigra, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2102 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- MAIGRA District- Gaya

Lalvir Yadav S/o Late Babui Yadav R/o Village- Tarwadih, P.S.- Maigra,
District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1981 of 2021)

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

(In CRIMINAL APPEAL (SJ) No. 2102 of 2021)

For the Appellant/s : Mr. Arun Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-08-2021 Heard the parties in virtual Court proceeding.

Both these appeals under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by the
learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in
connection with Maigra Police Station Case No.31 of 2020,



registered under Sections 302/120B/148/307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)/3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It appears that co-accused Ranjeet Thakur has been allowed bail by a coordinate Bench of this Court in Cr. Appeal (SJ) No.1653 of 2021 considering the fact that only material was suspicion as no one had seen who had actually caused fire-arm injury to the husband of the informant. Though allegation is against several persons named in the FIR that they were carrying fire-arms and they were the perpetrators of the crime. Thereafter, this Bench granted bail to co-accused Niranjana Kumar in Cr. Appeal (SJ) No. 1781 of 2021 on 08.07.2021 considering grant of bail to Ranjeet Thakur.

Prior to that prayer of co-accused Umesh Yadav was already refused by this Court on 20.05.2021 in Cr. Appeal (SJ) No.1169 of 2019. However, this fact was not brought to the notice of the Bench who granted bail to Ranjeet Thakur or before this Court.

The appellants are accused in one more case of trivial nature. They are in custody since 31.08.2020 and 28.11.2020 respectively.



Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts and completion of investigation, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned orders are set aside and appeals are allowed.

(Birendra Kumar, J)

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