

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2214 of 2021**

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

ANKUR KUMAR S/o Sri Mukesh Kumar Singh R/o village- Gorgama, P.S.-
Naya Gaon, District- Begusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sunil Kumar Alias Sharma, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 01-07-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 22.12.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities) ACT, Begusarai in connection with Naya Gaon P.S. Case No. 39 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 385, 307, 379 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r), 3(i)(s) of SC/ST (POA) Act whereby and whereunder the prayer for bail of the appellant was rejected.



Learned counsel for the appellant submits that as per the prosecution story, while the brother of the informant was returning home, 11 persons named in the FIR including this appellant and 10-15 unknown persons armed with various weapons surrounded him. Thereafter Mangal Singh abused brother of the informant in his caste name and demanded Rs.1,00,000/-. When the brother of the informant did not pay the said amount, Poshan Singh caught hold of the brother of the informant and pointed pistol on his head and Ankur Kumar (this appellant) snatched Rs. 5,000/- from his pocket whereas Saket Kumar snatched Gold chain worth Rs.80,000/- from his neck and all started assaulting him by butt of the pistol. When the brother of the informant tried to flee away to save his life, Poshan Singh fired upon the informant which hit on his left hand. On hullah, Arjun Mahto, reached there and Kanhaiya Kumar opened fire which hit at this right hand. It is further alleged that the cause of the said occurrence is that on 01.08.2020 all the accused persons had abused Anshu Kumar, the nephew of the informant in his caste name and also assaulted him.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the



present case. It is submitted that co-accused similarly situated have been granted bail by learned Co-ordinate Benches of this Court. The appellant is in custody since 10.12.2020 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case and the submission of learned counsel for the appellant which has not been controverted by Mr. Sadanand Paswan, learned Spl.P.P. for the State, finding that the similarly situated co-accused have been granted bail by learned Co-ordinate Benches of this Court, this Court sets aside the impugned order and directs the release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai in connection with Naya Gaon P.S. Case No. 39 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

