

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2330 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- BELDOUR District- Khagaria

Bittu Kumar, S/O Arjun Singh, Resident of Village- Shobhani, P.S.- Khagaria
(Gangour) District Khagaria

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 19-07-2021 Heard learned counsel for the appellant as well as
the learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act against the refusal of his prayer for regular bail, vide order dated 25.02.2021 passed by the learned Additional Sessions Judge 1st-cum Special Judge, SC/ST Act, Khagaria, in connection with Beldaur P.S. Case No.334 of 2020 instituted for the offence under Sections 302, 34, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act and also for setting aside the aforesaid order dated 25.02.2021.

The informant has alleged that her husband had gone for a morning walk with one Sikendra Gupta. He has



been shot dead near the orchard of one Vedanand Singh. The informant has alleged that her husband was a social worker and had earlier been elected as a member of Panchayat *Samiti* and had no enmity with anyone.

Learned counsel for the appellant submits that the appellant is not named in the F.I.R. During investigation, in course of examination of co-accused, appellant's name has surfaced. Co-accused Sunil Sharma in his confessional statement has stated that he along with co-accused Durgesh shot the deceased. The motive of the land dispute is also inconsistent during the course of investigation. The appellant has no criminal antecedents and other than suspicion, no material has come in course of investigation to link him with the occurrence. Co-accused Pintu Kumar Bhagat @ Pintu Kumar, similarly situated as the appellant, has been allowed bail in Cr.Appeal(SJ) No.2549 of 2021, vide order dated 24.06.2021. Appellant is stated to be in custody since 25.01.2021.

Learned Special P.P. has submitted that from the case diary it appears that the appellant had role in the conspiracy which has led to killing of the informant's husband.



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 Additional Sessions Judge 1st-cum Special Judge, SC/ST Act, Khagaria, in connection with Beldaur P.S. Case No.334 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the appellant 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.
- (ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 25.02.2021 is set aside.

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.

(Madhuresh Prasad, J)

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