

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2340 of 2021

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

Vivek Kumar, aged about 28 years, Male son of Sajan Singh resident of village Sonapur Bharat, P.S. Nayagaon, District-Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner : Mr. Brij Bhushan Poddar, Advocates
For the State : Ms. Usha Kumari No.1 Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the appellant and learned Spl PP for the State.

3. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office

4. The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for brevity, *SC/ ST Act*) against the refusal of his prayer for regular bail vide order dated 02.03.2021 passed by learned Special Judge SC/ST Act, Begusarai, in a case registered under Sections 147,148,149,341,323,385, 307 and 379 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r) and 3(i)



(s) of the SC/ST Act in connection with Nayagaon PS Case No.39 of 2020.

5. 11 named accused persons and 10 to 15 unknown persons have allegedly caught hold of the informant's brother for extortion and have assaulted him by various means. They have abused him by caste.

6. The learned counsel for the appellant submits that specific allegation, whatsoever, has been made against co-accused persons, namely, Mangal Singh, Poshan Singh, Ankur Kumar, Arjun Mahto and Kanhaiya Singh. The appellant, at best, can be said to be a member of the mob. He has no criminal antecedents. The other co-accused, namely, Mangal Singh has been allowed bail in Cr. Appeal (SJ) Nos. 471 of 2021. The appellant has now been in custody since 21.12.2020.

7. The learned Spl PP appearing for the State has opposed the prayer for bail. However, she is not in a position to dispute the submissions of the appellant regarding bail being granted to the other co-accused.

8. In my opinion, a case for grant of regular bail is made out. The impugned order dated 02.03.2021, passed in connection with Nayagaon PS Case No.39 of 2020, requires interference by this Court, which is, accordingly set aside.

9. Considering the rival submissions, this appeal is allowed. The impugned order dated 02.03.2021, passed by learned Special Judge SC/ST Act, Begusarai, in connection with Nayagaon PS Case No.39 of 2020, is set aside.

10. 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 Special Judge SC/ST Act, Begusarai, in connection with



Nayagaon PS Case No.39 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.

(Madhuresh Prasad, J)

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