

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2288 of 2021**

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

Chhotu Singh @ Chhotua, Son of Ram Uday Singh @ Uday Singh, Resident  
of Village - Hadipur, P.S.- Bachhawara, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                                         |
|----------------------|---|-------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr.Ram Kishor Chaudhary, Advocate<br>Mr. Kamlesh Kumar Pathak, Advocate |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl.P.P.                                            |

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

4      19-07-2021                      This matter has been taken up today for consideration  
through video conferencing.

The learned counsels are appearing and making  
submissions from their residence. The Court Master and  
Secretary are also part of this virtual Court proceedings from  
their homes, all with the aid of audio visual technology.

Heard learned counsel for the appellant and learned  
Special P.P. for the State.

The appellant has preferred the present appeal under  
Section 14(A) of the Scheduled Castes and Scheduled Tribes  
Act against the refusal of his prayer for regular bail, vide order  
dated 03.03.2021, passed by the learned Additional Sessions  
Judge-I-cum-Special Judge (SC/ST Act), Samastipur, in



connection with Vidyapatinagar P.S. Case No.01 of 2017, instituted for the offence under Sections 302, 109, 120B/34 of the I.P.C. read with 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 03.03.2021.

The informant has alleged that while her husband had gone for worship, he was shot dead. When she reached the place of occurrence, she found him in a pool of blood. Thereafter, FIR has been lodged narrating the fact that her husband had been made an accused in the murder case of Banti Singh and thereafter the members of Banti Singh gang, including the appellant, were on the look out for an opportunity to kill her husband since the year 2012.

Learned counsel for the appellant submits that a far-fetched suspicion based on the motive of 2012 as well as the criminal antecedents of the appellant has led to his implication in this case. The material in course of investigation does not indicate the appellant's involvement in any manner as no evidence has come in the investigation, based on such suspicion. The appellant has now remained in custody since 25.11.2020.

Learned Special P.P. has opposed the prayer for bail. However, after going through the case diary, he is not in a



position to controvert the appellant's submission that there is no direct material in the investigation against the instant appellant. However, he submits that there are criminal antecedents against the appellant, the details of which have been disclosed in paragraph 3 of the memo of appeal.

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-I-cum-Special Judge (SC/ST Act), Samastipur, in connection with Vidyapatnagar P.S. Case No.01 of 2017, 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 03.03.2021 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)**

PNM

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