

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2347 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- JANTA BAZAR District- Saran

Ravi Kumar @ Rabi Kumar, S/o Tuntun Raut @ Tuntun Sah @ Tuntun Prasad, R/o Village- Basahi, P.S.- Janta Bajar, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms.Kumari Anupam, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 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.

Mr. Yogesh Chandra Verma, learned Senior Counsel appears for the appellant. Mr. Sadanand Paswan represents the State as Special P.P.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 06.01.2021 passed by the



learned court of 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.146 of 2020 instituted for the offence under Sections 147, 148, 149, 447, 341, 302, 120B, 506 of the I.P.C., Section 27 of the Arms Act and Sections 3 (1)(r)(s), 3(2) (v) of the SC/ST (POA) Act and also for setting aside the aforesaid order dated 06.01.2021.

Informant has alleged that nearly 14 persons have come to his house and asked his brother Shrawan Kumar to go with them as somebody was calling him. It is alleged that while he was on way, co-accused Pushkar Pandey has caused the fatal gun-shot injury on the chest of the informant's brother.

It is submitted by the learned Senior Counsel representing the appellant that the prosecution case is specific in respect of firing against Pushkar Pandey. 14-15 persons have unnecessarily been dragged in this case on extraneous considerations and there is no specific role assigned against the appellant. He is at best a member of the unlawful assembly. The appellant has no criminal antecedents and is in custody since 23.11.2020.

Learned Special P.P. has opposed the prayer for bail by submitting that death has been caused and the appellant is a



member of unlawful assembly.

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 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.146 of 2020.

In the result, the appeal is allowed and the impugned order dated 06.01.2021 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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