

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2678 of 2021**

Arising Out of PS. Case No.-347 Year-2020 Thana- SARAIYA District- Muzaffarpur

Shankar Singh @ Shiv Shankar Singh, Male, aged about 68 years son of late
Narsingh, R/o village Rahmatpur, P.S. Saraiya, District Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

.. ... Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 05-07-2021 Heard learned senior counsel for the appellant and
learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 22.3.2021 passed by the learned Additional Sessions Judge III-cum-Special Judge, SC & ST (POA) Act, Muzaffarpur whereby bail of the appellant in connection with Saraiya P.S Case no. 347 of 2020 registered under sections 304 and 34 of the Indian Penal Code and section 3(1)(r)(s)(w) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, the younger brother of the informant who had gone out to ease himself did not return. Subsequently he was found electrocuted. It is stated that on going and protesting before the accused persons including the appellant herein, the informant was abused in the name of his



caste.

It is submitted by learned senior counsel appearing for the appellant that from perusal of the FIR itself, no offence under section 304 of the Indian Penal Code would be made out. Accepting the allegations as levelled by the informant for the sake of argument, the electric wire was in place to prevent the animals from coming and destroying the crops. The appellant is in custody since 2.3.2021, he has no criminal antecedent and investigation in the case has concluded.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the appellant having remained in custody for 1 year 4 months, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 22.3.2020 passed by the learned Additional Sessions Judge III-cum-Special Judge, SC & ST (POA) Act, Muzaffarpur is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Saraiya P.S Case no. 347 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Sessions Judge III-cum-Special Judge, SC &
ST (POA) Act, Muzaffarpur.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

