

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2812 of 2021**

Arising Out of PS. Case No.-88 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

CHHOTELAL BIND Son of Raghunath Bind Resident of Village -
Sarangpur, P.S.- Bhabua, Distt.- Kaimur at Bhabua.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP.
For the Informant	:	Mr. Pawan Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 31-08-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 25.03.2021 passed by the learned Additional Sessions Judge-I cum Special Judge, Kaimur at Bhabhua in connection with SC/ST-10 of 2021 arising out of Bhabhua P.S. Case No. 88 of 2021 registered under Sections 302, 379/34 of the I.P.C., Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act.



Submission is that allegation of firing and commission of firearm injury is against another co-accused. Allegation against the appellant is that he exhorted for firing. Appellant is in custody since 25.02.2021. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail on the ground that since the allegation against the appellant is of abetment, hence, appellant is liable for same punishment which the real perpetrator of the crime.

For the purpose of consideration of prayer for bail the nature of allegation against the appellant and completion of investigation, in my view, the appellant deserves bail. Hence, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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