

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3240 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- KHAJANCHI HAT District- Purnia

Sonu Kumar, aged about 29 years (Male), son of Ravindra Singh, R/o village-Subhash Nagar, P.S.- K. Hat (Sahayak), District- Purnea.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Respondent/s : Mr. Bal Mukund Prasad Sinha, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-09-2021 The matter has been taken up for hearing on-line because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC/ST Act”) has been filed challenging the order dated 20.03.2021 passed by learned Court of 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in Special (SC/ST) Case No.37 of 2020 / CIS No.37 of 2020, in connection with K. Hat (Sahayak) P.S. Case No. 149 of 2020, registered for the offence punishable under Section 302/34 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act, whereby he has rejected the appellant’s prayer for regular bail.



The appellant, who is an accused in K. Hat (Sahayak) P.S. Case No.149 of 2020 had applied for grant of bail before the Court of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act) Purnea, in connection with the said case, which was rejected by an order dated 29.04.2020. He had preferred an appeal under Section 14A of the Act before this Court giving rise to Criminal Appeal No. 1630 of 2020 which was rejected by an order dated 04.12.2020. Subsequent to rejection of the appellant's appeal, two other co-accused persons had preferred appeal before this Court giving rise to Criminal Appeal (S.J.) No.1002 of 2021 and Criminal Appeal (S.J.) No.1063 of 2021 against refusal of their bail in connection with said case. The said appeals had been allowed by orders dated 12.03.2021 and 02.03.2021 respectively, which have been brought on record by way of Annexure-3 and 3/1 of the present appeal. As the said accused persons were allowed the privilege of regular bail, the appellant renewed his prayer for bail before the Court below, which has been rejected by the impugned order dated 20.03.2021, which is under challenge in the present appeal. The appellant is in custody since 12.03.2020.

Learned counsel for the appellant has submitted that if the case of the prosecution is treated to be correct, all



persons named in the F.I.R. had allegedly actively participated in the commission of offence. He has submitted that since other co-accused persons have been allowed the privilege of bail, there is no reason why the appellant should not be given the same privilege.

Learned Additional Public Prosecutor appearing on behalf of the State of Bihar has submitted that upon perusal of the case diary and other materials on record, this Court had rejected the appeal preferred by the appellant by the order dated 04.12.2020. The said order was not brought to the notice of the co-ordinate Bench of the Court while considering the appeals preferred by other co-accused persons. He has submitted that the impugned order is wholly justified and does not require any interference by this Court.

Considering the facts and circumstances as noted above, since other co-accused persons have been allowed privilege of bail, this appeal is allowed. Accordingly, the impugned order dated 20.03.2021 passed by learned Court of 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in Special (SC/ST) Case No. 37 of 2020 / CIS No.37 of 2020 is set aside.

The appellant is directed to be released on bail on



furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea, in connection with K. Hat (Sahayak) P.S. Case No. 149 of 2020.

This is subject to the condition that the appellant shall present himself before the Police / Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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