

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2843 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. RAHUL SINGH Son of Surendra Singh Resident of Village - Sewgar, P.S. - Udwanatnagar, District - Bhojpur, Ara.
2. Kundan Singh Son of Akhilesh Singh Resident of Village - Sewgar, P.S. - Udwanatnagar, District - Bhojpur, Ara.
3. Ravindra Singh Son of Bhuneshwar Singh Resident of Village - Sewgar, P.S. - Udwanatnagar, District - Bhojpur, Ara.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2021 Heard Mr. Arun Kumar, learned counsel for the appellants and Ms. Usha Kumari, learned Additional Public Prosecutor appearing for the State through video conferencing.

The appellants have renewed their prayer for bail inasmuch as earlier the prayer for bail of the appellants was dismissed by an order dated 1.2.2021 passed in Cr. Appeal (SJ) No. 27 of 2021 with liberty to renew their prayer for bail after three months if the trial does not show any progress.

This appeal has been preferred on behalf of the appellants for setting aside the order dated 25.09.2020 passed by the learned Additional Sessions Judge cum Special Judge,



SC/ST Act, Bhojpur, at Ara, whereby the prayer for bail of the appellants in connection with Udwant Nagar Police Station Case No. 215 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code 1860 and Sections 3(i)(r)/3(2)(V of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The allegation against the appellants as per the First Information Report is that they, variously armed, obstructed the passage of the mother of the informant and co-accused Suraj Singh fired upon the mother of the informant from back, due to which she died.

Learned counsel for the appellants submits that the appellants are not the main assailant and they have falsely been implicated in this case due to land dispute between the parties. Learned counsel referring to paragraphs-6 and 7 of this appeal submits that the trial is not in progress and only charges have been framed on 8th April, 2021. He further submits that out of seven charge sheet witnesses, no witness has been examined uptill now.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the appellants are in custody since 11.6.2020 and the



trial is not in progress, this appeal is allowed and the impugned order dated 25.09.2020 passed by the learned Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur, at Ara, in connection with Udwant Nagar Police Station Case No. 215 of 2020 is hereby set aside.

Accordingly, the appellants, above named, 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 Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur, at Ara, in connection with Udwant Nagar Police Station Case No. 215 of 2020 .

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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