

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1941 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- SIKARHATTA District- Bhojpur

VIVEK KUMAR SINGH @ MUNNA SINGH @ MUNNA S/o Late Heera
Singh Resident of Village-Beldihari, P.S-Sikarahta, District-Bhojpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2021 Learned Senior Counsel for the petitioner undertakes
to remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
Spl.P.P. for the State.

Petitioner, in the present case, is seeking setting aside
the order dated 24.06.2020 passed by learned 1st Additional
Sessions Judge, Bhojpur, Ara in Sikarhatta P.S. Case No.
50/2020 (SC/ST Case No. 94/20) registered for the offences
punishable under Section 147/148/149/323/326 and 307 of the
Indian Penal Code and 27 of the Arms Act and Section 3(i)(r)(s)
of SC/ST (Prevention of Atrocities) Act.

Learned Senior Counsel for the appellant submits that
the appellant is only a member of the mob and further submits



that similarly situated co-accused has been granted bail by a learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 1466/2020.

Learned A.P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case wherein the submission of learned Senior Counsel for the petitioner that this appellant is only a member of the mob has not been controverted by learned Special P.P. for the State and further that similarly situated co-accused has been granted bail by a learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 1466/2020, this court sets-aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 1st – cum – Special Judge, Bhojpur, Ara in connection with Sikarhatta P.S. Case No. 50 of 2020 (SC/ST Case No. 94/2020), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

