

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2861 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Abdul Manan, age – 35 years, Male Son of Md. Taslim Resident of Village -
Chakbahuddin, P.S.- Dalsingsarai, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-07-2021 Heard learned counsel for the parties through video conferencing.

The present appeal has been filed against order dated 16.07.2021 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Samastipur in Dalsingsarai P.S. Case No. 41 of 2021, registered for the offence punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s)/2(v)/3(2)(va) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 07.02.2021, while the son of informant, who is handicap, was going to his house by riding on a motorcycle with two villagers namely Tuntun Sharma and Aashish Kumar Rajak and reached near Mangal Haat, three unknown miscreants fired upon him (son of



informant) and fled away, as a result of which, the son of the informant died during course of treatment.

Appellant is not named in the FIR. The name of the appellant has come during course of investigation on the basis of confessional statement of co-accused Prince Kumar, who disclosed that the arms used in the crime was taken from this appellant. There is no allegation against the appellant that he participated in the occurrence. There is also no allegation of any abuse by caste name against this appellant and as such, no case under the SC/ST Act is made out against him. The appellant is in custody since 05.04.2021. Investigation is complete.

However, learned Special P.P. for the State has opposed the appeal.

Considering the aforesaid facts and circumstances, the impugned order dated 16.07.2021 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Samastipur in Dalsingsarai P.S. Case No. 41 of 2021 is, hereby, set aside and the appeal is allowed.

Accordingly, let the appellant, above named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I cum Special Judge, SC/ST Act,



Samastipur in connection with Dalsingsarai P.S. Case No. 41 of
2021.

(Prabhat Kumar Singh, J.)

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