

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2963 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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PANKAJ RAI S/O NAGESHWAR RAI R/o village- Rachiyahi, Kachahri
Tola, P.S.- Mufassil (Singhaul), District- Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the informant	:	Ms. Prerna Anand, Advocate

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 06-08-2021 In view of sudden resurgence of COVID – 19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellant and the learned

Special P.P. for the State.

This Court would expect that the appellants' counsel would

honour his undertaking in the instant proceedings regarding supply of

the requisite court fee etc. within two weeks from the date he is

called upon to do so by the office.

The appellant has preferred the present appeal under

Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act against the refusal of his prayer for

bail, vide order dated 08.06.2021 passed by the learned Special Judge

SC/ST (POA), arising out of Mufassil (Singhaul) P.S. Case No. 125



of 2021 instituted for the offence under Sections 147, 148, 149, 341, 324, 307, 448, 504, 506 and 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii)(v)(r)(s) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 08.06.2021.

The allegation is that ten named accused persons, including the appellant, and 8-10 unknown persons indiscriminately armed have abused the informant by his caste name. To coerce him to withdraw earlier case, they had intimidated the informant. Allegation is against Muni Lal Rai for firing upon the informant which hit his wife.

Learned Counsel for the appellant submits that specific fire-arm injury has been attributed to co-accused Muni Lal Rai. The appellant along with others has been named on extraneous considerations as earlier also they have been implicated by the same informant. Other co-accused namely Arvind Rai, similarly situated as the appellant, has been allowed bail in Cr. Appeal (SJ) 2919/2021. Co-accused Rohit Kumar and Bhikhari Rai also have been allowed bail in Cr. Appeal (SJ) 2451/2021. The appellant upon his voluntarily surrender is in custody since 25.3.2021. It is submitted that there are 2 cases pending against him since before as per details containing in para 3 of the appeal.



The learned counsel for the informant and learned Special PP have opposed the prayer stating that it was for lifting the earlier case, Singhaul P.S. Case no. 123/2021, lodged by the same informant against the instant appellant and others, that they have committed the occurrence however she is not in a position to distinguish the case of the appellant with that of Arvind Rai co-accused with whom the appellant claims parity.

Considering the rival submissions, this Court is inclined to allow appellants' prayer for bail.

Accordingly, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) in connection with Mufassil (Singhaul) P.S. Case No. 125 of 2021.

In the result, the appeal is allowed and the impugned order dated 08.06.2021 is set aside.

(Madhuresh Prasad, J)

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