

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3032 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- BAHADURPUR District- Darbhanga

1. KUNDAN SINGH SON OF ANIL SINGH ANIL KUMAR SINGH
Resident of Village- Ojhaul, P.S.- Bahadurpur, Distt.- Darbhangaingh,
2. Sumit Singh @ Sumit Kumar Singh @ Chotu Singh Son of Hira Prasad
Singh @ Hira Singh Resident of Village- Singhiya, P.S.- Sindhiya, Distt.-
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Devendra Kumar Sinha, Sr. Adv. Mr. Kedar Jha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-08-2021 This case has been listed today for consideration
through video conferencing.

In the instant appeal has been filed after delay of 35
days.

Learned senior counsel for the appellants referring to
I.A. No. 1 of 2021, which has been filed for condonation of
delay submits that delay has occurred on account of delayed
availability of the impugned order and other reasons on account
of restrictions due to Covid-19 pandemic.

Without any objection, I.A. No. 1 of 2021 for
condonation of delay is allowed. The appeal is treated to have
been filed on time.



Heard learned counsel for the appellants and the learned Special Public Prosecutor (for brevity, Special PP) appearing for the State of Bihar.

The appellants has preferred the present Appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, SC/ST Act), 1989 against the refusal of his prayer for regular bail vide order dated 19.03.2021 passed by 1st Additional Sessions Judge-cum-Special Judge, Darbhanga, in a case registered under Sections 323, 324, 341, 307, 147, 148, 149, 504, 506, 436 of the Indian Penal Code and Section 27 of Arms Act and Section 3(2)(iv) of the SC/ST Act in connection with Bahadurpur Police Station (for brevity, PS) Case No. 29 of 2021 dated 13.01.2021.

The informant has alleged that he refused to repair the mobile phone of appellant no. 1 whereafter all his family members arrived, abused, assaulted and indulged in arson in the informant's shop. It is alleged that co-accused Anil Singh along with others sprinkled petrol and lit fire in the shop of informant.

Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants. No specific allegation is attributed against the appellants. It is



submitted that co-accused Chunnu Singh has already been granted bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3300 of 2021. Against appellant no. 1, two cases are pending and against appellant no. 2, six cases are pending since before and it is on this score that they have been dragged in this false case. It is submitted that some articles have been found burnt but there is no trace of the shop being burnt by fire. Opinion regarding injury has also never come in the investigation and all the family members of the appellant have been made accused. Appellants are in custody since 21.01.2021.

Learned counsel for the informant has appeared and submitted that he is under instruction not to oppose bail.

Learned Spl. P.P. has opposed the prayer for bail. He submits that four as well as two live cartridges and swords have been recovered from the appellants' house. One Sonu Paswan has become injured. He, however, do not dispute the fact that opinion on the injury has never been brought in the investigation.

In my opinion, in view of nature of accusation in the FIR, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 19.03.2021 requires



interference by this Court, which is, accordingly, set aside.

This appeal is allowed. The impugned order dated 19.03.2021 passed by the 1st Additional Sessions Judge-cum-Special Judge, Darbhanga in connection with Bahadurpur P.S. Case No. 29 of 2021 dated 13.01.2021 is set aside.

Let the appellants above named be released on bail on their furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Darbhanga in Bahadurpur P.S. Case No. 29 of 2021 dated 13.01.2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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