

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3027 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- SANDESH District- Bhojpur

Sanny Kumar, S/o Krishna Ray, R/o Village- Durjanchak, P.S.- Koilwar,
District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Usha Kumari-1, Spl.P.P.

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

3 02-08-2021 Heard learned counsel for the appellant as well as
the learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes Act against the refusal of his prayer for regular bail, vide order dated 15.06.2021 passed in SC/ST Case No.251/2020 by the learned Additional District & Sessions Judge 1st, Bhojpur at Ara, in connection with Sandesh P.S. Case No.40 of 2020 instituted for the offence under Sections 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act and also for setting aside the aforesaid order dated 15.06.2021.

Three persons have accosted a truck and it is alleged that one has shot upon the Driver.



The counsel for the appellant submits that based on some statement of a spy and confessional statement of co-accused Aditya Kumar, the appellant has been implicated in this case. He has no criminal antecedents and there is no recovery from him to connect him with the occurrence. It is submitted that no T.I. Parade has been done till date. Two co-accused similarly situated as the appellant, namely, Aditya Kumar and Nagesh Yadav, have been allowed bail in Cr.Appeal(SJ) No.288 of 2021 and Cr.Appeal (SJ) No.1036 of 2021, respectively. Appellant is stated to be in custody since 22.02.2021.

Learned Special P.P. has opposed the prayer for bail.

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

Accordingly, let the appellant, 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 1st Additional District & Sessions Judge, Bhojpur at Ara, in connection with Sandesh P.S. Case No.40 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of



the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 15.06.2021 is set aside.

This Court would expect that the appellant's 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.

(Madhuresh Prasad, J)

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