

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3077 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- BIKRAMGANJ District- Rohtas

Sonu Kumar @ Sonu Yadav aged about 27 years, Male, Son of Lakhram Singh Resident of Village - Khetal Pur, Police Station - Sanjhauli, District - Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the appellant and learned Spl PP for the State.

Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity , *SC/ ST Act*)



against the refusal of his prayer for regular bail vide order dated 09.06.2021, passed by learned Additional Sessions Judge- 1st – cum- Special Judge, Rohtas at Sasaram, in a case registered under Sections 147,148,149, 302/34 of the Indian Penal Code, Sections 25(1-b)a, 26/35/27 of the Arms Act and Sections 3(i)(r)(v) of the SC/ST Act, in connection with Registered Case No. 255 of 2020 arising out of Bikramganj P.S. Case No. 249 of 2020.

The informant has alleged that nine named accused persons have entered into a scuffle with his brother and when the brother has tried to flee away, three persons have chased and fired upon his brother. Three persons, who have been attributed the allegation of firearm injury, are Pintu Yadav, Pawan Kumar Singh and Rakesh Kumar.

The learned counsel for the appellant submits that though the informant has named nine persons in the First Information Report, appellant's name along with another, who was not named by the informant, has been included by the police in the array of the accused solely based on the confessional statement of co-accused Rikki Choudhary @ Rikki Kumar Choudhary @ Barjrang Choudhary. Appellant's implication in the instant case is on account of his prior implication in connection with



Sanjhauli P. S. Case no. 49 of 2018, in which, he is on bail. Rikki Choudhary @ Rikki Kumar Choudhary @ Barjang Choudhary, on whose, confessional statement the name of the appellant has been surfaced, and from whom the alleged firearm used in the assault has been recovered has been allowed bail in Cr. Appeal (SJ) No. 427 of 2021. The appellant is stated to be in custody since 04.02.2021 i.e. the date, on which, he has surrendered in the learned Court below.

The learned Spl PP appearing for the State has opposed the prayer for bail. He submits that appellant's name has been taken by the co-accused.

Considering the rival submissions and the fact that the petitioner has now been in custody since 04.02.2021, in my opinion, a case for grant of regular bail is made out. The impugned order dated 09.06.2021 passed in connection with Registered Case No. 255 of 2020 arising out of Bikramganj P.S. Case No. 249 of 2020, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 09.06.2021, passed by learned Additional Sessions Judge- 1st -cum- Special Judge, Rohtas at Sasaram in connection with Registered Case No. 255 of 2020



arising out of Bikramganj P. S. Case No. 249 of 2020, is set aside.

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 Additional Sessions Judge- 1st -cum- Special Judge, Rohtas at Sasaram, in connection with Registered Case No. 255 of 2020 arising out of Bikramganj P. S. Case No. 249 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.

(Madhuresh Prasad, J)

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