

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3248 of 2021

Arising Out of PS. Case No.-284 Year-2021 Thana- RAJAOLI District- Nawada

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KRISHNADEO SINGH Son of Late Ram Prit Ram R/o - Gariba, P.S. -
Rajauli, Distt. - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amresh Kumar Sinha

For the Respondent/s : Ms.Usha Kumari 1
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 07.07.2021 passed by learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge Ist, Nawada in connection with Rajauli P.S. Case No. 284 of 2021 Special Case No. 109/2021 under Sections 302/120(B) of the Indian Penal Code, Section 27 of the Arms Act and section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that on 11.06.2021 at about 8.30 am while the informant was going with her husband Ram Jatan Ram to Doctor for treatment to Rajauli on Pulser



Motorcycle and reached near Madhukop Hill at bout 8.45 hours saw that appellant and his two sons Alu Pahari and Sintu Kumar were sitting there in a cave. On the instigation of appellant along with two other co-accused, co-accused Vikash Kumar and one unknown person fired at them causing injury to informant's husband Ram Jatan Ram, thereafter, they fled away. Injured was taken to the hospital where the doctor declared him dead.

It is submitted on behalf of the appellant that reason for the said occurrence is that son of appellant is in jail and his wife eloped with the nephew of deceased only because of this fact appellant and whole family members have been made accused in this case. Allegation of firing is against unknown and appellant is only alleged to have instigated the co-accused upon which, other co-accused fired, causing his death. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellant has got clean antecedent and he is in custody since 12.06.2021.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 07.07.2021 passed by learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge Ist, Nawada, 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 Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge Ist, Nawada in connection with Rajauli P.S. Case No. 284 of 2021 Special Case No. 109/2021, subject to following conditions:-

(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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