

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2065 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- NAYAGAON District- Begusarai

RAJEEV KUMAR @ RAJEEV KUMAR SINGH Son of Ramchandra Singh
Resident of Village - Gorgama, P.S. - Nayagaon, District - Begusarai.

... .. Appellant.

Versus

THE STATE OF BIHAR

... .. Respondent.

Appearance :

For the Appellant : Mr. Braj Bhushan Poddar, Advocate.
For the State : Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-02-2021 As prayed for, let the learned counsel for the appellant remove the defect(s), as pointed out by the Stamp Reporter, flagged at 'A', within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the appellant and the learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) Amendment Act, 2015, is directed against the impugned order dated 05.09.2020 passed by the Special Judge, SC/ST (POA) Act, Begusarai, rejecting the application of the appellant to grant him bail in Nayagaon P.S. Case No.39 of 2020, registered under Sections 147, 148, 149, 341, 323, 385, 307 and 379 of



the Indian Penal Code besides Section 27 of the Arms Act and Sections 3(I)(r), 3(i)(s) of the SC/ST (POA) Act.

The prosecution case, in brief, is that in the morning of 02.08.2020, Suman Kumar, the brother of the informant Sunil Kumar, was coming from Dariyapur Chowk to his house. In the way, 11 persons, named in the F.I.R., including the appellant and 10-15 unknown variously armed with weapons surrounded him. Thereafter, Mangal Singh abused to Suman Kumar, the brother of the informant, Sunil Kumar, denoting his caste name saying that why the ransom of Rs.1,00,000/- , as demanded, has not been paid and ordered to kill. Thereafter, Poshan Singh caught hold the collar of Suman Kumar, the brother of the informant Sunil Kumar, pointed the pistol at his temporal region and asked him to give the ransom of Rs.1,00,000/-. At that time, Ankur Kumar snatched Rs.5000/- from the pocket of Suman Kumar, the brother of the informant Sunil Kumar, whereas Saket Kumar snatched the gold chain of worth Rs.80000/- from his neck and all started to cause assault to him through the butt of the pistol. When Suman Kumar, the brother of the informant Sunil Kumar, started to flee away to save his life, then all started making firing at him. The firing made by Poshan Singh hit the left hand of Suman Kumar, the brother of the informant Sunil Kumar. In



the meantime, on hearing ‘Hullah’, Arjun Mahto reached there, then Kanhaiya Kumar opened fire, which hit at his right hand. The cause of occurrence is that on 01.08.2020, all the accused had abused to Anshu Kumar, the nephew of the informant Sunil Kumar, denoting his caste name and also caused assault to him and he is under treatment at Kalpana Nursing Home Begusarai.

Learned counsel for the appellant submits that while the appellant is named in the F.I.R. but no specific overt act is attributed to him. The appellant is in custody since 04.08.2020.

Having considered the facts and the circumstances of the case, the impugned order dated 05.09.2020 is set aside and this appeal is allowed. The appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST (POA) Act, Begusarai, in connection with Nayagaon P.S. Case No.39 of 2020.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

