

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3243 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- DHURAIYA District- Banka

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DILIP SINGH @ CHUNNA SINGH Son of Balram Singh Resident of
Village- Birniya, P.S.- Dhoraiya, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

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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 17.08.2020 passed by learned Additional Sessions Judge Ist-Banka in connection with Dhoraiya P.S. Case No. 149 of 2020 under Sections 302/34 of the Indian Penal Code and section 3(2) (VA) 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 appellant along with two other FIR named accused persons committed murder of the mother of informant by assaulting her with stick.



It is submitted on behalf of the appellant that informant is not the eye witness of the occurrence. Appellant has been made accused in this case only on suspicion. No incriminating article has been recovered from possession of this appellant. No case under SC/ST Act is made out. Similarly situated co-accused persons have been granted bail by this court vide Cr. APP (SJ) No. 1273 of 2021. Appellant has got clean antecedent and he is in custody since 22.06.2020.

Considering the aforesaid facts, period of custody and the fact that similarly situated co-accused persons have already been granted bail, this appeal is allowed. The impugned order dated 17.08.2020 passed by learned Additional Sessions Judge Ist-Banka 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 Ist-Banka in connection with Dhoraiya P.S. Case No. 149 of 2020, 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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