

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2026 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

AJAY SINGH, aged about 50 years (Male), son of late Binda Singh, Resident of village- Patkhauliya, P.S.- Muffasil, District- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 06-01-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST Act”) against the order dated 08.09.2020 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, S.C./S.T. (POA) Act, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 115 of 2019, registered for the offence under Sections 304 and 302 of the Indian Penal Code, under Section 27 of the Arms Act and under Sections 3(ii)(v) of the S.C. /S.T. Act, by which the Court below has rejected the prayer for regular bail of the appellant.



Allegation has been made that while the deceased Hari Mohan Das and one Munna Kumar Das were going on a motor-cycle, they were intercepted by the accused persons including this appellant and fired upon him. At the same time, when the deceased fell down, all the accused persons stabbed him and ultimately he succumbed to the injuries.

Earlier, the appellant along with other to accused persons had approached this Court for bail in Criminal Appeal (S.J.) No.3675 of 2019 and this Court vide order dated 25.11.2019 dismissed the appeal and rejected the bail of the appellants with a liberty to renew the prayer for bail after framing of the charge.

When this Court asked the learned counsel for the appellant and learned counsel for the State as to whether Munna Kumar Das having been examined in the trial or not, the response was in positive but, it has been submitted that he has not supported the prosecution case though other witnesses have supported the prosecution case.

It has been submitted by learned counsel for the appellant that co-accused Vikash Singh and Ram Ayodhya Prasad @ Ram Ayodhya Singh have been granted bail by this Court.



Considering the aforesaid facts and circumstances of the case, let the appellant, above named, 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 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 115 of 2019 subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellant.

Accordingly, the impugned order dated 08.09.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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