

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3252 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- JAGDISHPUR District- Bhojpur

Mukesh Kumar Singh @ Jugesh Kumar @ Jugesh Singh S/O Nand Kumar
Singh R/o village- Mangura, P.S.- Jagdishpur, District- Bhojpur at Ara
... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Singh

For the Respondent/s : Ms.Usha Kumari 1

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 17.06.2021 passed by learned Additional Sessions Judge Ist, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 316 of 2020 (SC/ST 309 of 2020) under Sections 302/34 of the Indian Penal Code, section 27 of the Arms Act and section 3(2) (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 07.12.2020 at about 10.00 pm informant had gone to participate Tilak Ceremony at the house of Pintu Neta. During the feast, some altercation took place with the relative who were invited in the



ceremony. After sometime, niece of the informant informed him that some unknown miscreant forcibly entered in her house. On such information, informant's brother along with villagers reached there and saw that some unknown criminal shot the brother of informant and fled away. Injured was taken to the hospital where the doctor declared him dead leading to FIR against unknown.

It is submitted on behalf of the appellant that appellant is not named in the FIR. Name of appellant has come during course of investigation on the restatement of informant wherein it is stated that on the instigation of this petitioner, co-accused Raju and two unknown persons, co-accused Dablu Singh fired on Jai Prakash Paswan (Informant's brother) causing his death. Appellant is not the assailant and there is no allegation of firing against him. Appellant is only alleged to be the instigator. No case under SC/ST Act is made out, as there is no allegation that appellant has abused the informant by caste name. Appellant has got clean antecedent and is in custody since 24.05.2021.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 17.06.2021 passed by learned Additional Sessions Judge Ist, Bhojpur at Ara is set aside.



Let the appellant above-named, be enlarged 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, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 316 of 2020 (SC/ST 309 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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