

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3262 of 2021**

Arising Out of PS. Case No.-353 Year-2020 Thana- DINARA District- Rohtas

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Anish Kumar Singh @ Anish Kumar @ Manu Kumar Singh S/O Bindeshwari
Singh R/O Birikala, P.S-Dinara, District-Rohtas (SASARAM).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Smt. Priyanka Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 27.4.2021 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Rohtas at Sasaram whereby the prayer for bail of the appellant in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per allegation in the F.I.R. it is stated that the five named accused persons asked the brother of the informant to accompany them for some work. The informant's brother did not return and on making attempt to contact him on his mobile



phone, the same was found to be switched off. It is stated that the next morning, dead body of his brother was recovered who had been shot dead.

It is submitted by learned Senior Counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. Although not accepting, but taking the allegations in the F.I.R. to be true for the sake of argument, it is submitted that at best the case against the appellant is one of last seen. Learned Senior Counsel refers to the order of the learned Court below and submits that the learned 1st Additional Sessions Judge has dealt with in detail the material that has transpired in course of investigation and in the said order has referred to about 15 paragraphs of the case diary. It is submitted that from the same it would transpire that there is no eye witness to the occurrence nor is there any material to connect the appellant with the alleged crime. No offence under the SC and ST Act is made out against the appellant who is in custody since 9.2.2021 and investigation in the case has concluded.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the contents of the order of the learned Court below which has dealt with the material that has transpired in course of investigation together with the investigation in the case having concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 27.4.2021 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Rohtas at Sasaram, is set aside.

The appellant is directed to be enlarged on bail in connection with registered Case no.8 of 2021(arising out of Dinara P.S. Case No.353 of 2020) on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st-cum-Special Judge, Rohtas at Sasaram.

(Partha Sarthy, J)

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