

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3302 of 2021**

Arising Out of PS. Case No.-88 Year-2019 Thana- GUTHANI District- Siwan

Robin Singh @ Bade Singh, aged about 23 years, old (Male) S/o Ramesh Singh Resident of Village- Sohagra Purab Patti, P.S.- Guthuni, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 20-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the appellant and learned Spl PP for the State.

The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ ST Act*)



against the refusal of his prayer for regular bail vide order dated 13.07.2021 passed by learned Additional Sessions Judge -1st-cum Special Judge, Siwan, in a case registered under Sections 341,323,324, 307, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(za)(a) of the SC/ST, in connection with Guthani PS Case No. 88 of 2019, Special Case No. 17 of 2021.

The allegation is that the father and sons, including the appellant have assaulted the informant while he was on his way for purchasing some cement. There is allegation that money has also been taken away.

The counsel for the appellant submits that it is a case of false implication. The appellant's brother was murdered and in relation to said murder First Information Report was lodged against the brother of the informant of this case. The implication of the appellant in the instant case is to coerce the appellant's family to settle the said case and deter them from pursuing the said case. He submits that under similar circumstances, he has been implicated in five cases which are mentioned in paragraph No.3 of the bail petition. As per injury report, details of which has been mentioned in the case dairy, the injuries sustained by the informant have been opined to be simple in nature. The appellant is in custody since 06.02.2021.



The learned Spl. PP for the State has opposed the prayer for bail. It is submitted that the appellant along with his family members have assaulted the informant and taken away his money.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 13.07.2021, passed in connection with Guthani PS Case No. 88 of 2019, Special case No. 17 of 2021, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 13.07.2021, passed by Additional Sessions Judge -1st-cum- Special Judge, Siwan, in connection with Guthani PS Case No. 88 of 2019, Special Case No. 17 of 2021, 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 -1st-cum Special Judge, Siwan, in connection with Guthani PS Case No. 88 of 2019, Special Case No. 17 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how



he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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