

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3425 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- DALSINGHSARAI District- Samastipur

PRINCE KUMAR Son of Awadhesh Kumar Choudhary Resident of Village-
Mokhtiarpur, Mukhtarpur Salkhani, P.S.- Dalsingsarai, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-09-2021 Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 15.7.2021 passed by the learned Special Judge SC and ST Act-cum-Additional Sessions Judge I, Samastipur whereby the prayer for bail of the appellant in connection with Dalsingsarai P.S. Case no. 41 of 2021 registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s), 3(2)(v) and 3(2)(va) of the SC and ST (POA) Act, was rejected.

As per the prosecution case, while the son of the informant was returning with TunTun Sharma and Aashish Kumar Rajak on a motorcycle, it is stated that three accused persons signaled them to stop and in the firing by one of the accused, the son of the informant was seriously injured and subsequently died.

It is submitted by learned counsel for the appellant that the FIR was registered against three unknown persons. The name of the appellant transpired in course of investigation in the statement of witness Tun Tun Sharma wherein it was stated that



the appellant and one another were seen on a motorcycle after the occurrence. It is further submitted that the material being relied on against the appellant is his confessional statement which has come in paragraph no. 42 of the case diary as per which it is stated that petitioner is the assailant. The appellant is in custody since 6.4.2021. In spite of the appellant being in custody since 6.4.2021, he has not been put on T.I. Parade. Charge sheet has been submitted in the case.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation as also the appellant not being put on TI Parade in spite of being in custody since 6.4.2021, the appeal is allowed and the order impugned dated 15.7.2021 passed by the learned Special Judge SC and ST Act-cum-Additional Sessions Judge I, Samastipur, is set aside.

The appellant is directed to be enlarged on bail in connection with Dalsingsarai P.S. Case no. 41 of 2021 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 Special Judge SC and ST Act-cum-Additional Sessions Judge I, Samastipur.

(Partha Sarthy, J)

Prakash/-

U		T	
---	--	---	--

