

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.78 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

Seikh Sabir @ Shekh Sabir (Male), aged about 22 years, Son of Seikh Habib,
Resident of Village-Pokharia Rai, P.S.-Chanpatia, District-West Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Ram Adya Singh, Mr. Arjun Prasad, Advocates
For the Respondent	:	Mrs. Usha Kumari No.1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2021 Heard learned counsel appearing on behalf of the

appellant and learned counsel appearing on behalf of the

respondent.

Appellant is aggrieved by the order dated 29.08.2020
passed by 1st Additional District & Sessions Judge-cum-Special
Judge (ST/ST), Bettiah, West Champaran in Chanpatiya P.S.
Case No. 140 of 2020 registered for the offence under Sections
147, 148, 149, 341, 323, 324, 302, 354, 427, 307, 448, 504 and
506 of the Indian Penal Code, Section 3(i)(r)(s)(w)(i) and 3(2)
(va) of the Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act and Section 27 of the Arms Act whereby the
prayer of the appellant for grant of bail has been rejected.

Learned counsel appearing on behalf of the appellant



would submit that initially the case was registered under Section 307 of the Indian Penal Code and later on, Section 302 of the IPC was added on account of death of the injured. Learned counsel further submits that the allegation of causing firearm injury upon the arm of Dhodha Ram is against co-accused Sikandar and Laddu and not against the appellant. The appellant is in custody since 08.04.2020.

Considering the aforesaid, the Court is inclined to allow the criminal appeal. The order dated 29.08.2020 passed by 1st Additional District & Sessions Judge-cum-Special Judge (ST/ST), Bettiah, West Champaran in Chanpatiya P.S. Case No. 140 of 2020 is set aside. Let the appellant, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District & Sessions Judge-cum-Special Judge (ST/ST), Bettiah, West Champaran in Chanpatiya P.S. Case No. 140 of 2020.

Accordingly, the criminal appeal is allowed.

(Anil Kumar Upadhyay, J)

BT/-

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

