

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3640 of 2021

Arising Out of PS. Case No.-7 Year-2015 Thana- KATIHAR MUFFASIL District- Katihar

SIKENDER URAWN Son of Mannu Urawn Khalkho Resident of Village-
Tarauni, P.S.- Dhamdaha, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Kuamr, Adv

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellants and the learned Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellants have preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 01.02.2021 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Katihar, arising out of Katihar (Muffasil) P.S. Case No. 07 of 2015 instituted for the offence under Sections 302, 307, 120B and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 01.02.2021.

Learned counsel for the appellant submits that in the alleged occurrence in which the wife of one Jamil Lal Uraon has been killed and he himself suffered injury, the appellant is not named as an assailant. The allegation of firing has been made against co-accused Suresh Yadav, Md. Umar Ali and Harendra Uraon (Mukhiya). After 46 days of the alleged occurrence when the injured Jamil Lal Uraon made his statement he named six persons who were there on the two motorcycles.

Learned counsel submits that no witness has named this appellant as assailant. As per para 3 of the bail application, appellant has two criminal antecedents and he is stated to be on bail. It is submitted that similarly situated co-accused has been allowed bail in Cr. Appeal (SJ) No. 3316/2021.

Learned Special P.P for the State has opposed the prayer for bail.



Considering the rival submissions, this Court is inclined to allow appellants' prayer for bail.

Accordingly, let the appellants, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Katihar in connection with Katihar (Muffasil) P.S. Case No. 07 of 2015.

In the result, the appeal is allowed and the impugned order dated 01.02.2021 is set aside.

(Madhuresh Prasad, J)

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