

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3709 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- MIRGANJ District- Gopalganj

JAI PRAKASH SINGH SON OF LATE DHRUP SINGH R/O - DEWAPUR,
P.S.- BARAULI, DISTRICT- GOPALGANJ

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashish Giri, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 09.08.2021 passed by learned Additional District Judge-I-cum- Special Judge, SC/ST Act, Gopalganj, in connection with Meerganj P.S. Case No.11 of 2020, registered under sections 302/120(B)/34 of the IPC read with Section 3(2)(V) of the SC/ST Act and section 27 of the Arms Act.

The crux of the prosecution case is that the brother of the informant was shot by 2-3 unknown miscreants, due to which, he died at the spot.



It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner alleged, ever taken place. Appellant has been falsely implicated in the case. The appellant is not named in the FIR and the same is lodged against unknown persons. The informant is not the eye-witness of the alleged occurrence. The name of the appellant has been implicated as an afterthought by the police by forcefully recording his confessional statement. There is no allegation that the appellant has abused the informant or his brother, therefore, no SC/ST case is made out. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. Charge sheet has been submitted in this case. The appellant is languishing in custody since 14.03.2021 and has five criminal antecedents, as mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submitted that on the basis of the CDR, the appellant has been made accused in this case.

Considering the facts and circumstances of this case including the submissions of the parties, the above named appellant is directed to be released on bail on furnishing bail



bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I-cum- Special Judge, SC/ST Act, Gopalganj, in connection with Meerganj P.S. Case No.11 of 2020, with the following conditions:-

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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