

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.888 of 2021

Arising Out of PS. Case No.-57 Year-2018 Thana- SUIYA District- Banka

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GULSHAN SINGH S/o Kailash Singh Resident of Village - Kishanpur, P.S. -
Haveli kharagpur, District - Munger, under Guardianship of his Mother
namely Rani Devi W/O Kailash Singh

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr.Rakesh Singh, Advocate
For the Respondent/s	:	Mr.Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-03-2021 Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 12.03.2020 passed by learned Additional Sessions Judge Ist, Banka in connection with Suiya P.S. Case No. 57 of 2018 corresponding to Sessions Trial No. 407A/2018 registered under Section 302/34 of the Indian Penal Code, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that informant and Bijay Singh (deceased) were going to Deoghar as Dak Bam on 27.07.2018 at 1.15 pm from Sultanganj. On the way, both became separate and when the informant reached at Kanwaria



Dharamshala then at about 11.50 pm at night, he got information on mobile that Bijay Singh is lying in pool of blood near Jilebia More and some unknown person stabbed him. Bijay Singh was taken to the hospital and on the way he died. When the informant along with his friends reached at the hospital he saw the dead body of Bijay Singh and there were multiple injuries on his chest.

It is submitted on behalf of the appellant that name of this appellant has come during course of investigation. The cognizance has been taken after submission of chargesheet against the appellant and others and the learned court below sent the case of appellant to the court of Juvenile Justice Board and the appellant was declared juvenile on 09.09.2019. Appellant is in remand home since 26.08.2019 and has got clean antecedent.

From perusal of the impugned order, it appears that prayer for bail of the appellant was rejected only on the ground that the father of appellant is mentally ill and unable to take care of the appellant.

However, appellant undertakes that other family members may take care of him, if released on bail. Other similarly situated co-accused has already been granted bail by this Hon'ble Court.



Considering the aforesaid facts, this appeal is allowed.
The impugned order dated 12.03.2020 passed by learned
Additional Sessions Judge Ist, Banka is set aside.

Let the appellant above-named, be enlarged 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 Ist, Banka in connection with Suiya
P.S. Case No. 57 of 2018 corresponding to Sessions Trial No.
407A/2018, subject to following conditions:-

(i) The appellant shall co-operate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(ii) If the appellant tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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