

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 471 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- NAYAGAON District- Begusarai

MANGAL SINGH S/o Badri Narayan Singh R/o village- Gorgama, P.S.-
Nayagaon, District- Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Jai Prakash Singh, Advocate
For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-03-2021

Heard learned counsel for the appellant and the learned Special PP for the State.

2 The appellant has preferred the present Appeal under Section 14 - A (ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 06.10.2020 passed by Special Judge, SC/ST Act, Begusarai in a case registered under Sections 147, 148, 149, 341, 323, 385, 307, 379 of Indian Penal Code, Sections 27 of Arms Act and Sections 3 (i) (r) (s) of SC/ST Act in connection with Nayagaon Police Station (for brevity, *PS*) Case No 39 of 2020.

3 10 named and 10 to 15 unknown accused persons, having weapons, allegedly surrounded the informant's brother. Thereafter, there is allegation of hurling abuses based on caste, threatening for demand of *Rangdari* and assault by the accused persons.

4 Appellant's counsel submits that having no criminal antecedent, the appellant has been falsely implicated. Specific assault on informant's brother by firearm is attributed against co-accused Poshan Singh. Co-accused Kanhaiya Kumar has allegedly fired upon one Arjun



Mahto. Against the appellant, allegations are general and omnibus. The other co-accused, similarly situated as the appellant, have been allowed bail by this Court in Criminal Appeal (SJ) No 2065 of 2020 and Criminal Appeal (SJ) No 1427 of 2021. There is also a counter version of the case in Nayagaon PS Case No 40 of 2020 (Annexure 2) wherein the present prosecution party are accused.

5 In my opinion, in view of nature of accusation in the FIR, a case for grant of regular bail is made out. The impugned order dated 06.10.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 06.10.2020 passed by Special Judge, SC/ST Act, Begusarai in connection with Nayagaon PS Case No 39 of 2020 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Begusarai in Nayagaon PS Case No 39 of 2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2021
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