

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.431 of 2021**

Arising Out of PS. Case No.-199 Year-2019 Thana- CHAUTHAM District- Khagaria

Rinku Singh S/o Kailash Singh Resident of Vill.- Hardia, P.S.- Choutham,
Distt.- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar Agrawal, Adv.
For the State	:	Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 02-03-2021 Heard learned counsel for appellant and learned Spl. PP
for the State.

Learned counsel for the appellant is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 16.10.2020 passed by learned Additional Sessions Judge-1st- cum-special Judge (SC/ST) Act Khagaria in Choutham PS. Case No. 199 of 2019, G.R. No. 2516 of 2019, registered under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1) (r) (s), 3(2) (va) of the SC/ST Act.

It is alleged in the prosecution case that the informant's brother was called by the appellant at one o'clock in the day. Later on, in the evening at 6.30 PM firing was heard from the



house of co-accused, namely, Bablu Yadav. On reaching the place, informant saw co-accused, persons holding on to his brother. The instant appellant is said to be abusing him and there is allegation that co-accused Bablu Yadav fired from his pistol causing head injury on the brother of the informant.

It is submitted that against the appellant there is no allegation of assault, The specific allegation is against co-accused Bablu Yadav. There is no allegation that when the brother of the informant went with the appellant, he was forcibly taken away. Having no criminal antecedents , the appellant is in custody since 09.09.2020.

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 16.10.2020 passed by learned Additional Sessions Judge-1st- cum-special Judge (SC/ST) Act Khagaria in Choutham PS. Case No. 199 of 2019, G.R. No. 2516 of 2019, is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge-1st- cum-special Judge (SC/ST) Act Khagaria in Choutham PS. Case No. 199 of 2019, G.R. No. 2516 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant 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.

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



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

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

