

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.430 of 2021**

Arising Out of PS. Case No.-549 Year-2019 Thana- DANAPUR District- Patna

Manish Kumar @ Tempoo S/O Late Mahesh Roy R/O Village-Nasriganj, P.S-
Danapur, District-Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the State : Spl PP

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

2 01-03-2021 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 13.10.2020 passed by learned Additional District and Sessions Judge-X -cum Special Judge, SC/St Act, Patna in Special Case No. 314 of 2019, arising out of Danapur PS. Case No. 549 of 2019, registered under Sections 307, 341, 323, 504, 506/37 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (r) of the SC/ST Act.

As per First Information report the co-accused, namely Chandan Kumar and Nepali @ Guddu is alleged to have fired on the neck of the informant, causing injury. Allegation against



the appellant is that he caught hold of the informant.

It is submitted that having no criminal antecedents the appellant is in custody since 26.09.2020. Similarly situated, co-accused person as the appellant has been allowed bail in Cr. Appeal (SJ) No. 5120 of 2019.

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

Considering the rival submissions, this appeal is allowed. The impugned order dated 13.10.2020 passed by learned Additional District and Sessions Judge-X -cum Special Judge, SC/St Act, Patna in Special Case No. 314 of 2019, arising out of Danapur PS. Case No. 549 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 Additional District and Sessions Judge-X -cum Special Judge, SC/St Act, Patna in Special Case No. 314 of 2019, arising out of Danapur PS Case No. 549 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)

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