

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4082 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- SONEPUR District- Saran

Jaiky Kumar @ Subhash Prasad, aged about 22 years (Male) S/o Suresh Singh R/o village- Sabalpur Pachhiyari Tola, P.S.- Sonepur, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Sahni, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 The matter has been listed today for consideration through Video Conferencing.

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

Learned counsel for the appellant is expected to honour 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 to do so by the office.

The appellant has preferred the present appeal under Section 14A(2) 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 12.08.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Chapra, in a case registered



under Sections 341,323,324,448,504,506,307, 379 and 354B of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i)(r)(s) of the SC/ST Act in connection with Sonapur P.S. Case No. 156 of 2021.

The appellant along with Sonu Kumar was having country made pistol in his hand. As per allegation other co-accused persons were variously armed. They have all entered the house of the informant and specific allegation against the appellant is of opening fire from his country made pistol upon the informant which has not hit the informant.

Appellant's counsel submits that there is no injury attributed to the appellant. It is a case of false implication and the appellant has been remanded in this case upon his arrest in Sonapur P.S. Case No. 155 of 2021. The implication is based on extraneous consideration. There are two more cases pending against the appellant, as per disclosure made in paragraph No.3 of the petition and in all these cases his implication is on the same date. The appellant is in custody since 09.07.2021.

The learned Spl. PP for the State has opposed the prayer for bail. However, the fact that First Information report does not attributed any injury as a result of the firing attributed to the petitioner cannot be denied.



In my opinion, a case for grant of regular bail is made out. The impugned order dated 12.08.2021, passed in connection with Sonapur P. S. Case No. 156 of 2021, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 12.08.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Chapra, in connection with Sonapur P. S. Case No. 156 of 2021, is set aside.

Let the appellant, above named, be released 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 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Chapra, in connection with Sonapur P. S. Case No. 156 of 2021 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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