

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.512 of 2021**

Arising Out of PS. Case No.-390 Year-2019 Thana- BARACHATTI District- Gaya

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PRADEEP SINGH Son of Late Narayan Singh Resident of Village-
Masoundha, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Durga Nand Jha

For the Respondent/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-03-2021 Heard counsel for the parties.

This is an appeal for setting aside the order dated 04.06.2020 passed by learned Special Judge (SC/ST Act), Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 390 of 2019 under Sections 147, 149, 342, 343, 323, 354, 503, 504, 506, 509 and 384 of the Indian Penal Code and section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is submitted on behalf of the appellant that earlier anticipatory bail application of the appellant was dismissed as withdrawn as during pendency of the case he was arrested vide order dated 21.07.2020 passed in Cr. Misc. No. 13009 of 2020 (Annexure-2) and other accused persons have already been granted anticipatory bail by the same order. The case of present appellant is on similar footing. Appellant is alleged to be



spectator and no specific overt act is attributed against him. Appellant bears clean antecedent and is in custody since 21.05.2020. Chargesheet has already been submitted.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 04.06.2020 passed by learned Special Judge (SC/ST Act), Gaya 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 Special Judge (SC/ST Act), Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 390 of 2019, 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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