

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.423 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- UJIYARPUR District- Samastipur

Arun Singh @ Arun Kumar, Son of Late Madan Mahto, Resident of Village-
Mahisari, P.S.- Ujiyarpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha, Advocate
For the Respondent/s : Spl.P.P.

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

2 01-03-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the refusal of his prayer for regular bail, vide order dated 16.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur, in connection with Ujiyarpur P.S. Case No.254 of 2020 instituted for the offence under Sections 302, 307, 323, 452, 504, 506/34, 120B of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) and also for setting aside the aforesaid order dated 16.10.2020.



The informant alleges that five named accused persons have come to the house of the informant and taken away her father-in-law. Behind the *Darwaja*, he has thereafter been shot.

Appellant's counsel submits that as per the prosecution case, the fatal firearm injury is specifically attributed to Chhotu Ray (co-accused). The injury upon the brother-in-law (*Devar* of the informant) was also attributed to Chhotu Ray. The informant subsequently in the investigation has named the appellant as being one who had been accompanying the assailant and who had indulged in hurling abuses. Such statement at the belated stage in the background of the allegation that the abuses were hurled behind the *Darwaja* inspires no confidence. The appellants is in custody since 18.09.2020 and has no criminal antecedents.

Learned Special P.P. has opposed the prayer for bail. It is submitted that the informant has specifically named the appellant and therefore, he cannot escape his criminal liability.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, 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, Samastipur, in connection with Ujiyarpur P.S. Case No.254 of 2020.

In the result, the appeal is allowed and the impugned order dated 16.10.2020 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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