

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.498 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- SHIVSAGAR District-Rohtas

Rang Bahadur @ Bir Bahadur male, aged about 21 years, son of late Kamta Bind, resident of village Semari, P.S. Sheosagar (Baddi), District- Rohtas.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner	:	Mr. Priyadarshi Matri Sharan, Advocates
For the State	:	Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 19-05-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

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

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 19.08.2020 passed by learned Additional Sessions Judge-1, Sasaram, Rohtas, in a case registered under Sections 147,148,149,341,323,307,302,504 and 506 of the Indian Penal Code and Sections 3(ii)(v)of SC/ST Act in connection with Shiv Sagar PS Case No.140 of 2020, Registration No. 118 of 2020.

The prosecution case is that while the informant was going to take lunch, the appellant along with ten co-accused persons have assaulted the informant and his father by bricks and 'Lathi'. The father of the informant and others became



severely injured. The father of the appellant was subsequently taken to the hospital where he has been declared dead.

The counsel for the appellant submits that in respect of the same occurrence the counter version is to be found in Shiv Sagar PS Case No. 141 of 2020, wherein, it is alleged that the members of the instant informant party had entered into the house of one Munna Bind in intoxicated condition and assaulted his wife. The villagers have assembled thereafter and in the course of scuffle the victim sustained injuries and has died. The allegation against the appellant regarding assault is false and fabricated. The appellant is in custody since 19.05.2020 for one year. Co-appellant Bijendra Bind @ Bijendra Kumar has been allowed the privilege of bail in Cr. Appeal (SJ) No. 425 of 2021 after custody of nearly 10 months. The appellant's prayer for bail thus stands on a better footing. The appellant has no criminal antecedents.

The learned Spl. PP for the State has opposed the prayer for bail by submitting that earlier time was allowed to verify whether the co-appellant, namely, Bijendra Bind @ Bijendra Kumar has been allowed the privilege of bail. After verifying the fact he is not in a position to dispute the fact.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 19.08.2020 passed in Shiv Sagar PS Case No.140 of 2020, Registration No. 118 of 2020, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 19.08.2020 passed by Additional Sessions Judge-1, Sasaram, Rohtas, in a case arising out of Shiv Sagar PS Case No.140 of 2020, Registration No. 118 of 2020 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 Additional Sessions Judge-1, Sasaram, Rohtas, in connection with Shiv Sagar PS Case No.140 of 2020, Registration No. 118 of 2020, 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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