

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4135 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- MAJORGANJ District- Sitamarhi

SHIVAM SINGH @ TUKTUK Son of Satyendra Singh Resident of Village -
Mahadeo, P.S.- Sahiyara, Distt.- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Shankar Shrivastava
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr.Akshay Lal Pandit
		Mr.Shahabuddin Azeem @ S. Azeem
		Mr.Arvind Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 16-12-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.08.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, (POA) Act, Sitamarhi, in connection with Majorganj P.S. Case No.34/2021, registered under sections 324, 326, 307, 302,



353, 120(B)/34 of the IPC and section 3(2) (V) A (a) SC/ST Act.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant is quite innocent and have been falsely implicated in the case due to dirty village politics and previous enmity. It is submitted that the appellant is not named in the FIR and during investigation, on the confessional statement of the co-accused, he is made accused in the present case. It is further submitted that earlier on 22.06.2020, the father of the appellant has filed a complain to the Officer-in-charge of Majorganj P.S. (annexure-2 of the memo of appeal) for institution of a case for the occurrence taken place on 20.06.2020 but the Officer-in-charge did not pain to lodge the FIR and due to this reason, appellant has been implicated in this case. The appellant has one criminal antecedent, as mentioned in para-3 of the memo of appeal and has been languishing in custody since 12.04.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



1st Additional Sessions Judge -cum- Special Judge, SC/ST,
(POA) Act, Sitamarhi, in connection with Majorganj P.S. Case
No.34/2021.

Accordingly, the impugned order is set aside and the
appeal is allowed.

(Anjani Kumar Sharan, J)

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