

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.215 of 2022**

Arising Out of PS. Case No.-143 Year-2021 Thana- HUSSAINGANJ District- Siwan

Sagir Sai, Son of Late Khalil Sai, Resident of Village - Jurkan, P.S.-
Hussainganj, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parma Manjhi, son of Late Ritu Manjhi, Resident of village-Judban, P.S.-
Hussanganj, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 22-09-2022

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

No one has appeared on behalf of the respondent no.2
in spite of valid service of notice.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 17.11.2021 passed by the learned Additional
Sessions Judge-I-cum-Special Judge, Siwan in connection with



Hussainganj P.S. Case No. 143 of 2021 registered for the alleged offences under Sections 307, 286 of the Indian Penal Code, Section 3/4 of Explosive Substances Act and Section 3(2) (vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant handed over a bag to the son of the informant who was accompanied by his kid. The bag exploded and the son and the grandson of the informant received grievous injuries.

Learned counsel for the appellant submits that no occurrence as alleged has ever taken place. The police did not find any incriminating articles though the informant alleged about bomb blast. In fact the appellant was carrying crackers in the bag as he was going to a marriage ceremony and handed over the same to the son of the informant he went to attend the nature's call and the crackers exploded and the son of the informant got injured. It is apparent that there was no motive to kill the son of the informant and it was purely an accident. The appellant is in custody since 22.06.2021 and the charge sheet has been submitted in this case.

Learned Spl.P.P. opposes the prayer for bail of the appellant submitting that the petitioner is a habitual offender and



two cases are pending against him.

Perused the records.

Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the fact that apparently there appears nothing intentional in the act of the appellant to hurt the son of the informant and further considering the submission of charge sheet and the period of custody of the appellant, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Siwan, in connection with Hussainganj P.S. Case No. 143 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellant.
- (iii) The appellant will remain present on each and every date fixed by the court below.



(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.09.2022
Transmission Date	23.09.2022

