

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.426 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- NAGARNAUSA District- Nalanda

SANTOSH SINGH Son of Sri Wadan Singh @ Shri Badan Singh Resident of
Village - Shahpur, P.S. - Nagarnaussa, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Paswan son of Badri paswan resident of village- Kap Bigha, P.S.-
Nagar Nausa, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar, Advocate.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-09-2022 Learned counsel for the Appellant is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Dhananjay Kumar, learned counsel for the

Appellant as well as learned Special Public Prosecutor for the

State.

This is an appeal under Section 14 A (2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST

Act”) against the refusal of prayer for bail vide order dated

08.12.2021 passed by the learned Additional District and

Sessions Judge III cum Special Judge SC and ST Bihar Sharif



(Nalanda) in connection with Nagarnausa P. S. Case No. 134 of 2021 registered for the offences punishable under Sections 326 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 19.09.2021 at about 08:00 O'clock in the morning, while the respondent no. 2 and other F.I.R. named accused persons were engaged in some construction work, in the meantime, the appellant fired upon him causing injury on his right side of the chest due to which he fell down and taken to the hospital.

Learned counsel appearing on behalf of the appellant submitted that as a matter of fact, though the appellant has sustained fire-arm injury but he was not even aware as to by whom he was shot and this fact has also been corroborated from the depositions made by the informant in course of trial. In support of the submission, learned counsel for the appellant brought on record the depositions of the respondent no. 2 and his brother, who have not supported the prosecution case and have categorically stated that they were not even aware as to who fired upon the informant. It is next submitted that the appellant having fair antecedent, is in custody



since 25.09.2021 and he is ready to give undertaking that he will remain present on each and every date of the trial till its conclusion and would be guided by the outcome of the trial.

On the other hand, learned Special Public Prosecutor for the State opposes the bail application and submits that the specific allegation has been levelled against the appellant that he fired upon the informant, causing fire-arm injury.

Regard being had to the submissions made on behalf of the parties and taking into account the deposition of the informant and his brother, who did not even support the prosecution case, apart from the period of custody of the appellant and fair antecedent, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge III cum Special Judge SC and ST Act, Bihar Sharif (Nalanda) in connection with Nagarnausa P. S. Case No. 134 of 2021, subject to the condition that one of the bailors will be the close relative of the appellant with further conditions which are as follows:-

- (i) The appellant will cooperate in conclusion of the



trial.

- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

In view of the aforesaid fact, the impugned order dated 08.12.2021 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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