

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.852 of 2022

Arising Out of PS. Case No.-270 Year-2020 Thana- NAUBATPUR District- Patna

Monu Kumar @ Monu Sarkar Son Of Rajeshwar Prasad @ Rajeshwar Ray
R/O Village- Shiwalapar, Near Shiv Mandir, Neura, P.S.- Shahpur, District-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Laldeo Paswan Late Bhuletan Paswan R/O Village-Naubatpur(West), P.S.-
Naubatpur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-09-2022 Heard Mr, Sanjay Kumar, learned counsel for the

appellant as well as learned Special Public Prosecutor for the

State.

The present appeal under Section 14(a) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the SC/ST (POA)
Act) preferred against the order dated 01.02.2022 passed by the
learned Special Judge, Patna SC/ST Act, in connection with
Special Case No. 250 of 2020 arising out of Naubatpur P.S.Case
No. 270 of 2020 instituted for the offence under Sections
302/34 of the Indian Penal Code and section 3(2)(v) SC/ST
Act , whereby prayer for bail of the appellant has been rejected.



The prosecution case is based on the written report of the informant alleging therein that on 27.05.2020, while his son left his house at about 3 pm and at about 5.30 pm Vikash Kumar came and informed that the informant's son was shot by three motorcycle borne persons near Goraiya Asthan. In course of investigation, the appellate has identified as a liner.

Learned counsel for the appellant submits that FIR has been instituted against unknown miscreants however, during the course of investigation, the name of the appellant has surfaced on the confession of other co-accused person and thereafter, he was apprehended on 20.08.2020 in connection with Shahpur P.S.Case No. 310 of 2020 registered for the offences punishable under section 399, 402, 414 and section 25(1-B), 26,35 of the Arms Act and thereafter, his self confession was recorded by the police and his name has been remanded in ten other cases including the present one. In the present case, appellant is said to be liner neither he was named by any of the independent witnesses nor he has not put on TIP nor any incriminating material has been recovered from his possession showing the complicity in the present crime. He last submits that the appellant is remanded in the present case on 04.09.2020 and since then he is in custody .



On the other hand, learned counsel for the informant opposed the bail application and submits that during the course of investigation, ample material has come which suggest the complicity of the petitioner. He also submits that appellant has multiple criminal antecedent besides the present one.

The learned Special Public Prosecutor also opposed the prayer for bail of the appellant.

Regard being had to the submission made on behalf of the parties and considering the fact that FIR instituted against unknown persons and during the course of investigation, appellant has been remanded in the present case on his self confession and is in custody since 04.09.2020, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, (SC/ST) Patna in connection with Naubatpur P.S. Case No. 270 of 2020, subject to the condition that one of the bailors will be the close relatives 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. .

Accordingly, the impugned order dated 01.02.2022. is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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