

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.946 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- PASRAHA District- Khagaria

LALBAHADUR SINGH S/o Late Uchit Singh R/o village- Koyala, P.S.-
Pasraha, District- Khagaria (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Das son of Bishnudev Das resident of village- Birbas (Solbighi),
P.S.- Pasraha, District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishweshwar Ram, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 25-08-2022

Heard learned counsel for the appellant and learned APP
for the State.

From the office report, it transpires that notice has been
validly served upon respondent no. 2 but no one appeared on behalf
of the respondent no. 2. Since, notice has been validly served, the
matter has been proceeded and heard in absence of respondent no. 2.

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
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
against the refusal of prayer for bail vide order dated 07.01.2022
passed by the learned Additional Session Judge Ist-cum-Special



Judge, SC/ST Act Khagaria in connection with Pasraha P.S. Case No. 140 of 2021 registered for the alleged offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1) (r) (s) of the Scheduled Cast and Scheduled Tribes Act.

As per prosecution case, the appellant and other co-accused persons abused the informant and also tried to pull him away with intention to kill. On shout being made, the appellant and other co-accused persons tried to run away but the appellant was apprehended and from his possession, a country made pistol along with live cartridge were recovered.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case due to previous enmity and village rivalry. It is apparent from the FIR, the appellant was produced before the police with one country pistol and one live cartridge by private persons. However, nothing was recovered from the physical or conscious possession of the appellant. Except for this allegation, there is nothing against the appellant as no overt act has been attributed against him. The learned counsel further submits that co-accused Subodh Yadav has been granted bail by this court vide order dated 28.07.2022 passed in Cr. Appeal (SJ) No. 479/2022. Charge sheet has been submitted in this case and the appellant is



in custody since 04.11.2021. The appellant has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the appellant.

Having regard to the facts and circumstances and submission made hereinabove and considering the general nature of allegation without any specific detail against this appellant and further considering the clean antecedent of the appellant and his period of custody along with the fact of submission of charge sheet, 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 Session Judge Ist-cum-Special Judge (SC/ST Act), Khagaria in connection with Pasraha P.S. Case No. 140 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) 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)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2022
Transmission Date	29.08.2022

