

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.960 of 2022**

Arising Out of PS. Case No.-57 Year-2020 Thana- CHANDI District- Nalanda

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Dhananjay Kumar S/O Narendra Singh @ Narendra Kumar Resident Of
Village- Akbarpur, P.S.- Hilsa, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Hiranman Manjhi Late Raghu Manjhi Village-Bhagwanpur, P.S.-Chandi,
District-Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhukar Anand
For the Respondent/s : Mr.Sadanand Paswan

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

Date : 04-08-2022

Date : 04-08-2022

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

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 21.02.2022 passed by the learned Additional
Sessions Judge III-cum- Special Judge (SC & ST), Biharsharif,
Nalanda, in connection with G.R. No. 834 of 2020 arising out



of Chandi P.S. Case No. 57 of 2020 registered for the alleged offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i) (r) (s), 3(2)(v)(va) of the SC/ST Act.

As per prosecution case, on hearing the commotion about thieves outside his house, the son of the informant went outside and one of the thieves fired upon him and he shot his forehead and the son of the informant died during treatment. During investigation, the name of the appellant transpired as one of the accused persons.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. He was not named in the FIR and nothing incriminating has been received from the possession of this appellant. He has been made accused in this case merely on suspicion, as his name came up in the confessional statement of co-accused Vikash Kumar who has been granted bail vide order dated 26.07.2021 passed in Cr. Appeal (SJ) No. 1332 of 2021. Other co-accused persons namely Lallu Kumar Choudhary, Balgovind Prasad and Abhishek Kumar have also been granted bail by Coordinate Benches vide order dated 21.06.2021, 02.07.2021 and 27.07.2021 passed in Cr. Appeal (SJ) Nos. 2271 of 2021, 1782



of 2021 and 1993 of 2021. Further, the gun shot injury which proved fatal is not attributed to this appellant and he has not been put to TIP. Charge sheet has been submitted in this case and the appellant is in custody since 27.01.2022.

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

Perused the records.

From the perusal of record it transpires that notice sent through process server has been received by respondent no. 2 himself but none has appeared on behalf of the respondent no. 2. Since it is valid service, the matter has been put for hearing.

Having regard to the submission made hereinabove and considering the fact that no cogent material has come on record to show the involvement of the appellant in the alleged occurrence and further considering grant of bail to co-accused persons similarly placed as this appellant, and also considering the submission of charge sheet as well as 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 District Judge-III-cum-Special Judge (SC & ST) Act, Bihar Sharif, Nalanda in connection with



G.R. No. 834 of 2020 arising out of Chandi P.S. Case No. 57 of 2020, 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.

The impugned order is set aside and the appeal stands allowed in terms of the aforesaid order.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2022
Transmission Date	08.08.2022

