

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1319 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- KHARHAGPUR District- Munger

Kailash Bind Son Of Prasadi Bind R/O Village- Madheri, P.S.- Haweli
Kharagpur, District- Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. N.Hoda, Advocate
For the Informant	:	Mr. Sanjiv Kuamr Singh, Advocate
For the Respondent	:	Mr. Binay Krishna SPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Heard Md. N.Hoda learned counsel for the appellant as well as Mr. Sanjiv Kumar Singh, learned counsel for the informant and learned APP 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 Act) preferred against the order dated 29.03.2022 passed by the learned Special Judge SC/ST Act cum Additional Sessions Judge, Munger in connection with Kharagpur P.S.Case No. 351 of 2021, instituted for the offence under Sections 147,148,149,307 of the Indian Penal Code and section 27 of the Arms Act and section 3(i)(r)(s), 3 (ii)(va) of SC/ST Act whereby prayer for bail of the appellant has been rejected.



As per the prosecution case, it is alleged that whiel the brother of the informant was talking with someone on the road, in the meantime, all the accused persons including the appellant came there with arms and started abusing them It is also alleged that on the order of this appellant, accused Raju fired upon the brother of the informant due to which he sustained serious firearm injuries.

Learned counsel appearing on behalf of the appellant submits that there is a case and counter case and counter version has been instituted against the family member of the appellant bearing Kharagpur P.S.case No. 352 of 2021. It is next submitted that except the allegation , there is no specific allegation against the appellant. However, he is in custody since 23.12.2021. It is lastly submitted that so far as the investigation of the crime is concerned, the same has already been completed and the charge sheet has been submitted.

On the other hand, learned cousenl for the State opposed the bail prayer of the appellant and submits that the appellant is a terror in the locality and he is found involved in multiple criminal cases. It is also submitted that if the petitioner would be release on bail he might will be involved in tempering with the evidence and intimidating the witnesses.



Considering the submission made on behalf of the appellant and taking into consideration the nature of allegation and further the submission made on behalf of the appellant that the appellant is on bail in all the cases and he is in custody since 23.12.2021, let the above named appellant, be enlarge 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 Additional Sessions Judge-III Special Judge SC/ST Munger in connection with Kharagpur P.S.Case No. 351 of 2021.

Accordingly, the impugned order dated 29.03.2022 is set aside and the appeal is hereby, allowed.

(Harish Kumar, J)

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