

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1383 of 2022**

Arising Out of PS. Case No.-622 Year-2021 Thana- BARHARA District- Bhojpur

Vikash Singh, Son of Nageshwar Singh, Resident of Village- Babura Tola
Fuhan, P.S. - Barhara, District - Bhojpur, Pin Code - 802163 (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Raj Mohan Rajak Resident of Village - Phuhan
(Makhdumpur), P.S. - Barhara, District - Bhojpur (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Kumar, Advocate.
For the Respondent/s	:	Mrs. Usha Kumari I, Spl. P.P. Mr. Bindeswari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Uday Kumar, learned counsel appearing
on behalf of the appellant and Mr. Bindeswari Singh, learned
counsel for the informant/respondent No. 2 as well as learned
Spl. PP for the State.

A supplementary affidavit has been filed on behalf of
the appellant and the same has been kept on record.

The present appeal under Section 14(A)(2) of the
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as “SC/ST Act”)



has been preferred against the order dated 11.03.2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with Barhara P.S. Case No. 622 of 2021 registered for the offences punishable under Sections 147, 148, 149, 354(A), 379, 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(w)/3(ii)(v) of SC/ST Act, whereby, the prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on 04.11.2021 while the informant/respondent no.2 along with her son were going to market, in the meantime, the appellant started misbehaving with her and it is further alleged that co-accused Rahul Kumar Singh @ Rahul Singh, snatched Rs. 500/- apart from other allegation leveled against other co-accused person. It is also alleged that on dictate of co-accused Amit Singh, this appellant fired upon the son of the respondent No. 2 due to which he sustained fire arm injury and died.

Learned counsel appearing on behalf of the appellant submits that though the informant/respondent No. 2 claiming herself to be an eyewitness to the alleged occurrence, but in course of trial, the deposition of informant and her husband was recorded and they have categorically denied the fact that they



were eyewitnesses to the occurrence, and they have not supported with prosecution case at all. In support of the aforesaid submissions, the deposition of the respondent no.2 as well as her husband have been brought on record by way of supplementary affidavit. He further submitted that other co-accused persons have also been enlarged on bail by the different Benches of this Court. He also submits that though the occurrence is said to have taken place on 04.11.2021 at about 05.00 PM, but surprisingly, the F.I.R. has been instituted after preparation of inquest report, which is contrary to the mandate of law as laid down by the Hon'ble Apex Court. He lastly submits that the appellant is in custody since 21.01.2022 and he is ready to give undertaking that he will fully co-operate during the course of trial till its conclusion.

On the other hand, learned counsel for the respondent no.2 opposed the bail application but unable to confront that respondent no.2 and her husband have not supported the prosecution case and they have not made any allegation or whisper against the appellant. He further submitted that the appellant has multiple criminal antecedent.

Learned counsel for the State also oppose the bail application.



Regard being had to the submissions made on behalf of the parties and considering the deposition of the respondent no.2 as well as her husband, wherein, they have not supported the prosecution case, the Court left with no option, but to enlarge the appellant 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 Sessions Judge-1st -cum-Special Judge Scheduled Caste/Scheduled Tribe, Bhojpur, Ara in connection with Barhara P.S. Case No. 622 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.

(v) The court below shall verify the criminal



antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

Accordingly, the impugned order dated 11.03.2022 is hereby set aside and the present bail stands allowed.

(Harish Kumar, J)

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