

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1312 of 2022**

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

Rahul Kumar Singh @ Rahul Singh, Son of Late Biltu Singh @ Late Rama Shankar Singh, Resident of Village- Phuha Makhdumpur, P.S.- Barhara, Distt.- Bhojpur at Ara.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 14-07-2022 Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Ranjan Kumar, learned counsel appearing on behalf of the appellant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the Scheduled Castes/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 1st Additional Sessions Judge-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 the SC/ST Act, whereby the prayer for grant of regular bail of



the appellant has been rejected.

As per prosecution case, it is alleged that on 04.11.2021 while the informant along with her son were going to market, in the meantime, co-accused Vikash Singh misbehaved with her and it is also alleged that this appellant snatched Rs.500/-. It is further alleged that on the dictate of co-accused Amit Singh, Vikash Singh fired upon the son of the informant, due to which he sustained firearm injury and died.

It is submitted by the learned counsel appearing on behalf of the appellant that except the allegation of snatching Rs.500/-, there is no specific allegation of any overt act against him and as such no case under any of the sections of the SC/ST Act would be applicable in the present case. It is also submitted that this appellant is in custody since 21.01.2022 having no criminal antecedent. It is lastly submitted that the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned Special Public Prosecutor appearing on behalf of the State vehemently opposes the bail application and submits that the occurrence has taken place in furtherance of the common intention.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that only



allegation of snatching of Rs.500/- from the informant has been levelled against this appellant and he is in custody since 21.01.2022 having fair antecedent, let the appellant be released 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at 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 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.

(Harish Kumar, J)

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