

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1400 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- UCHKAGAON District- Gopalganj

Umakant Gupta Son Of Harihar Sah R/O Village- Jamsar, P.S.- Uchakagaon,
District- Gopalganj, Pin Code- 841436

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudama Manjhi Son Of Late Mahibir Manjhi Village-Betutola,P.S-
Thawe,District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satish Kumar,Advocate
For the State	:	Mr.Binay Krishna, APP
For the Informant	:	Mr. Dharmveer, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 01-09-2022

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 Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 24.02.2022 passed by the learned Additional
Sessions Judge-IIIrd -cum-Special Judge, SC/ST District
Gopalganj, Bihar in connection with Uchakagaon P.S. Case No.
71 of 2021 registered for the alleged offences under Sections



395 and 397 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i) (r) (s), 3(2), (va) of the Scheduled Castes and Scheduled Tribes Act.

As per prosecution case, dacoity was committed in the gas agency of the informant and three employees of the informant received gun shot injuries. The dacoits also took away Rs. 51,960/- from the agency. The name of the appellant transpired as one of the accused persons during investigation.

Learned counsel for the appellant submits that the appellant is innocent and has been implicated in this case. He has been named in this case only on the basis of the statement of co-accused Nitesh Kumar and except for that there is nothing against this appellant. No incriminating article has been recovered from this appellant and no offence under provisions of SC/ST (POA) Act is made out against this appellant. The appellant was not put to Test Identification Parade. Learned counsel further submits that no allegation of any overt act has been made against this appellant, even during investigation by the persons examined by the police. The appellant is in custody since 17.06.2021.

Learned counsel appearing on behalf of the informant as well as learned APP oppose the prayer for bail of the



petitioner. Learned counsel for the informant submits that the appellant and other co-accused persons fired upon a number employees of the informant who received gun shot injuries. They also took away an amount of Rs. 51,960/-. Learned counsel further submits that appellant has also criminal antecedent and acted as liner as it appears from his confessional statement as well as confessional statement of co-accused Nitesh Kumar.

Perused the records.

Having regard to the facts and circumstances and the submission made on behalf of the parties and further considering the submission of charge sheet along with his period of custody, 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 Sessions Judge IIIrd -cum-Special Judge (SC/ST), Gopalganj in connection with Uchakagaon P.S. Case No. 71 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the appellant will be accepted only after framing of



charge, if not already framed.

(ii) One of the bailors will be a close relative of the appellant.

(iii) The appellant will remain present on each and every date fixed by the court below.

(iv) 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	05.09.2022
Transmission Date	05.09.2022

