

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1465 of 2022**

Arising Out of PS. Case No.-120 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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SHUVAM KUMAR SINGH @ SHUVAM KUMAR Son of Manoj Singh @
Manoj Kumar R/o Village - Pahsara, P.S.- Nowkothi, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Renu Devi Hare Ram Paswan R/O Village-Pahsara, P.O.-Babhangama, P.S.-
Nawkothi, District-Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Arjun Prasad, Advocate Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. APP

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

Date : 08-09-2022

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 24.03.2022 passed by the learned Special Judge,
SC/ST (POA), Act Begusarai in connection with Nowkothi
P.S. Case No. 120 of 2021 registered for the alleged



offences under Sections 147, 148, 149, 341, 323, 385, 387, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons entered into the house of the informant and abused her by taking her caste name and threatened her that her husband and brother-in-law would be killed if extortion money of 30,000/- per month was not paid to them. Further, allegation against the appellant is that he resorted to indiscriminate firing and other co-accused persons exploded bomb.

Learned counsel for the appellant submits that the F.I.R. has been registered after two days of the alleged occurrence and this shows deliberation and after thought. There is no explanation for this delay. The appellant has falsely been implicated in this case and this fact is also evident from the investigation carried out by the police that no used cartridge or bullet were found from the spot and no one got injured in this firing. Since no extortion money was handed over, there will be no application of Section 387 of Indian Penal Code. Learned counsel further submits that in fact the appellant has been implicated in this case due to some previous dispute between the



parties as they are co-villagers. Charge sheet has been submitted in this case and the appellant is in custody since 02.11.2021.

Learned Special APP for the State opposes the submission made on behalf of the appellant submitting that the appellant is a habitual offender and a notorious criminal and altogether nine cases are pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the allegation against the appellant which is not supported by the material on record and considering his period of custody along with submission of charge sheet, 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 Special Judge SC/ST(POA), Begusarai in connection with Nowkothi P.S. Case No. 120 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	13.09.2022
Transmission Date	13.09.2022

