

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1771 of 2022**

Arising Out of PS. Case No.-34 Year-2021 Thana- MAJORGANJ District- Sitamarhi

MUKUL SINGH Son of Rajendra Singh Resident of Village - Kuwari Madan,
P.S.- Majorganj, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 22-06-2022 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities New Amended) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 26.07.2021 passed by learned Additional Sessions Judge -I-cum- Special Judge (SC/ST), Sitamarhi in connection with Majorganj P.S. Case No.34 of 2021, registered under sections 324, 326, 307, 302, 353, 120B/34 of the IPC, section 27 of the Arms Act and section 3(2) (R)(va) of the SC/ST (Prevention of Atrocities) Act.



Vide order dated 31.01.2022, bail has been granted to the appellant with condition that if the charge has been framed, the learned court below would release the appellant on its own satisfaction and in case the charge has not been framed, the appellant has a liberty to renew his prayer for bail after framing of charge.

Learned counsel for the appellant submits that the charge has been framed against the appellant vide order dated 07.04.2022. This fact is also supported by Annexure-4 to this appeal.

The informant is represented by the learned Spl. P.P. for the State, as such, no notice is required to be issued.

Considering the submissions made, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -I-cum- Special Judge (SC/ST), Sitamarhi in connection with Majorganj P.S. Case No.34 of 2021, subject to the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the



court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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