

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2037 of 2022**

Arising Out of PS. Case No.-142 Year-2021 Thana- BARH District- Patna

Moni Singh @ Neeraj Singh Son of Avdresh Singh Resident of village -
Langarpur, P.S.- Barh, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anita Devi Suraj Paswan resident of village- Hussainganj Langarpur, P.S.-
Barh, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar @ S.K., Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP.
For the Respondent No.2:	:	Mr. Anirudh Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-10-2022 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 Sanjay Kumar @ S.K., learned counsel
appearing on behalf of the appellant, Mr. Anirudh Kumar Singh,
learned counsel for informant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the
Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,
(hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 25.04.2022 passed by learned Special
Judge, SC/ST (Prevention of Atrocities) Act, Patna, in
connection with Special Case No. 104 of 2021, arising out of



Barh P.S. case no. 142 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(2)(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 appellant and others are said to have committed the murder of the husband of the informant.

Learned counsel for the appellant submits that general and omnibus allegation has been leveled against all the FIR named accused persons. He further submitted that neither the informant nor her brother-in-law are eyewitnesses to the alleged occurrence. During the course of investigation, it cannot be ascertained that who had shot fire upon the deceased. He also submitted that the appellant is neither the caller who had called the deceased nor he was said to be the assailant. He next submitted that other co-accused persons having identical allegation have allowed privilege of bail by learned Co-Ordinate Bench of this court in Cr. Appeal (SJ) No. 4038 of 2021, vide order dated 27.01.2022 and Cr. Appeal (SJ) No. 525 of 2022, vide order dated 07.07.2022. He last submitted that appellant having fair antecedent, is in custody since 08.08.2021.



On the other hand, learned Special P.P. for the State has also opposed the bail application and submitted that specific allegation has been leveled against all the accused persons that they have shot fire upon the husband of the informant, resulted into his death.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation against all the accused persons, apart from the fact that other co-accused having identical allegation have been allowed privilege of bail by learned Co-Ordinate Bench of this Court, coupled with the period of detention and the fair antecedent, let the appellant, named above, 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 Special Judge SC/ST (POA) Act, Patna, in connection with Special Case No. 104 of 2021, arising out of Barh P.S. case no. 142 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.

Accordingly the impugned order dated 25.04.2022, is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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