

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3612 of 2021**

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

MUKUL SINGH Son of Rajendra Singh R/o 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

For the Respondent/s : Mr. Binay Krishna

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

6 31-01-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of 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, 120(b) and 34 of the Indian Penal Code, Section 27 of the Arms Act as well as under Section 3(2)(v)v (a) of the SC/ST Act. Later on, section 394 of the Indian Penal Code was added.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that no specific overt act is alleged against the appellant. It is submitted that similarly situated co-



accused person has already been enlarged on bail by this Court. It is also submitted that the appellant is in custody since 25.02.2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellant and submitted that the appellant has got criminal antecedents as stated in para 3 of the memo of appeal. It is submitted that there is specific allegation against the appellant that he fired upon the injured person, namely, Lal Babu Paswan, the Choukidar and the appellant in his confessional statement also confirmed that he has fired upon the Choukidar, Lal Babu Paswan, who sustained injury, but Lal Babu Paswan has not disclosed the name of the appellant.

Taking into consideration the facts aforesaid, this appeal is disposed of with a direction to the learned court below that if charge has already been framed against the appellant, the learned court below shall release the appellant on bail to its own satisfaction, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to how he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be cancelled.



(3) That the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(4) That the bailors shall also state on affidavit that they will inform the court concerned, if the appellant is implicated 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 proceeding for cancellation of bail on the ground of misuse.

It is made clear that if charge has not been framed against the appellant, the appellant would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J.)

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