

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3616 of 2021**

Arising Out of PS. Case No.-105 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Dharam Veer Singh S/o Nageshwar Singh R/o Village Shivasinghpur, P.S.
Mohinuddin Nagar, District Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Munna Choudhary S/o Late Ishwar Choudhary R/o Village Sivesangpur,
ward no- 11, P.S.- M.Nagar, Distt.- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raj Krishan Jha
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Ranjeet Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 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 14.07.2021, passed by learned Special Judge, SC/ST Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No.105 of 2021, registered under Sections 394, 397 of the Indian Penal Code and Section 3(2)(Va) of the SC/ST Act.

The prosecution case, in brief, is that on 19.05.2021 at about 9.40 a.m. the informant was going to open Customer



Service Centre. In the meantime, accused persons came on a Glamour motorcycle and started indiscriminate firing. The informant fell down on the road. The accused persons fled away after taking the bag of the informant containing laptop and cash Rs.1,00,000/-.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant is not named in the FIR. It is submitted that the appellant has been made accused in this case on the basis of confessional statement of co-accused, Vikky Kumar and the said Vikky Kumar has already been enlarged on bail vide order passed in Criminal Appeal (SJ) No.3464 of 2021, dated 23.09.2021. It is also submitted that no incriminating article has been recovered from the conscious possession of the appellant and the appellant has got no criminal antecedent as stated in para 3 of the memo of appeal. It is submitted that the appellant has not been put on TIP.

Learned Special P.P. for the State opposed the prayer for bail of the appellant and submitted that the appellant is also involved in the present occurrence.

Taking into consideration the facts aforesaid, the order dated 14.07.2021, passed by learned Special Judge, SC/ST Act,



Samastipur in Mohiuddin Nagar P.S. Case No.105 of 2021 is set aside. The appeal is allowed.

Let appellant, above named, 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 learned Special Judge, SC/ST Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No.105 of 2021, subject to the following 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.

(Anjani Kumar Sharan, J.)

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