

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3819 of 2021**

Arising Out of PS. Case No.-284 Year-2021 Thana- SAUR BAZAR District- Saharsa

Sohan Kumar @SOHAN Singh Son Of Budhan Singh Alias Sanjay Singh
Resident Of Village - Rauta Khem, Ward No 10, P S - Sour Bazar, District -
Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Sada Rohit Sada R/o Village- Rauta Khem, Ward no- 13, P.S.- Sour Bazar, Dist.- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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

6 24-01-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State through virtual court proceeding.

Vide order date 13.12.2021, notice was issued to the newly added respondent no. 2. From perusal of the office note, it appears that notice has been validly served upon the wife of respondent no. 2, but nobody appears on behalf of the respondent no. 2.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.08.2021, passed by learned Additional Sessions Judge-III-cum-Special Judge,



SC/ST Saharsa in connection with Special Case No. 59 of 2021 arising out of Sour Bazar P.S. Case No. 284 of 2021, registered under Sections 324, 307 of the IPC, Sections 25(1-b)a/26/27 of the Arms Act and Sections 3(1) (r), 3(2)(v)(va) of SC/ST Act.

Appellant is said to have abused the informant and also made firing which hit the brother of the informant namely Brajesh Sada.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that the present FIR is a counter blast of Sour Bazar P.S. Case No. 295 of 2021. He submits that as per the FIR only pistol without magazine was recovered by the police. He also submits that the recovery of firearms without magazine and one misfire cartridge is highly doubtful and these recovered articles were handed over the police by one Chandan Sada. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 18.06.2021.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the period of custody, the above named appellant, 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-III-cum-Special Judge, SC/ST Act, Saharsa in connection with Special Case No. 59 of 2021 arising out of Sour Bazar P.S. Case No. 284 of 2021.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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