

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2538 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Binod Singh @ Vinod Kumar Singh Son of Late Shiv Shankar Singh Resident
of Village - Karmariyan, Police Station- charpokhari, District - Bhojpur.
... .. Appellant/s

Versus

1. The State Of Bihar
2. Saroj Kumar Son of Baijnath Prasad Resident of Village- Karmariyan,
Police Station- charpokhari, District - Bhojpur.
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Singh, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.
For the Respondent No.2	:	Mr. Manoj Kr. Adv.
	:	Mr. Raj Narayan Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Learned counsel for the informant/O.P. No.2 appeared
through Vakalatnama but not appeared at the time of argument.

The present appeal has been preferred under Section
14(A) (2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for bail vide order dated 27.06.2022 passed by 1st Addl. Sessions
Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in
connection with Charpokhari P.S. Case No. 88 of 2022 for the
alleged offence under Sections 147, 148, 149, 302, 307, 504 of
the I.P.C. read with Section 27 of the Arms Act read with

Section (i) (r) (s)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution case, the present F.I.R. has been lodged against 7 known accused persons including the appellant.

Learned counsel for the appellant submits that from the content of F.I.R., it transpires that the dispute took place between the informant and the appellant party for agricultural work. Learned counsel submits that the specific allegation of making gun shot upon the father and brother of the informant Aditya Raj Singh @ Mithun Singh and Pintu Singh due to which they were injured and subsequently died. Learned counsel submits that the allegation against the present appellant is to make fire in air and give threatening and subsequently, fled away from the place of occurrence. Learned counsel for the appellant submits that the antecedent of the appellant is clean and he is in custody since 17.05.2022. Charge sheet has already been submitted in this case and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned Spl. P.P. for the State submits that it is a case in which death of 2 persons were caused by the specific persons from whose firing, the injured died i.e. the father and the brother

of the informant but she fairly submits that the deceased were died not by the gun shot of the present appellant.

In the present facts and circumstances of the case and the submissions made above, let the appellants above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in connection with Charpokhari P.S. Case No. 88 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 27.06.2022 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in connection with Charpokhari P.S. Case No. 88 of 2022 is set hereby aside.

With this observation, the present Appeal stands allowed.

(Dr. Anshuman, J)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	