

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2910 of 2022**

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

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Anish Kumar Singh @ Supan, S/o Ravindra Singh, Resident of Village- Barki Kothiya, P.S.- Buxar (I), District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Upadhayay, S/o Paras Upadhayay, Resident of Village- Manjhariya, P.S. Buxar (I), District- Buxar.

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 3757 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

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Umesh Singh, Son Of Shiv Kumar Singh, R/O Village- Chhotki Kothiya, P.S.- Buxar (INDUSTRIAL), District- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 2910 of 2022)

For the Appellant/s : Mr.Shankar Kumar, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP

(In CRIMINAL APPEAL (SJ) No. 3757 of 2022)

For the Appellant/s : Mr.Ajit Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 15-12-2022

Since both the appeals arise out of Dumraon P.S. Case No. 146 of 2022, as such, they have been taken up together and are being disposed of by this common judgment.

Heard learned counsels for the appellants and learned Spl.PP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 05.07.2022 passed by the learned Additional Sessions Judge-1st-cum-SC/ST Court, Buxar in connection with Dumraon P.S. Case No. 146 of 2022, registered for the alleged offences under Sections 394 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (POA) Act.

As per the prosecution case, three unknown miscreants looted the manager of a petrol pump of Rs. 5,14,000/- and while committing robbery shot at him. The injured was declared brought dead when he was taken to hospital. The name of the appellants transpired during investigation as accused persons who involved in the commission of dacoity.

The learned counsel for the appellant Anish Kumar Singh submits that the appellant has been falsely implicated in this case merely on suspicion. The appellant is not named in the FIR and his name transpired in the confessional statement of co-accused Gulu Singh@ Raja Kumar Singh. In his confessional statement the co-accused has stated that the appellant provided him firearms but no other co-accused persons taken his name or



stated about his complicity in the crime. Except for the confessional statement of the co-accused which has got no legal sanctity, no substantive material has come up during investigation against this appellant. Learned counsel further submits that nothing incriminating has been recovered from the possession of this appellant. The appellant is in custody since 08.04.2022 and charge-sheet has been submitted in this case.

Learned counsel for the appellant Umesh Singh submits that the FIR was lodged against three unknown and the name of the appellant has surfaced during course of investigation on the basis of self-confessional statement of this appellant. Except for this in-culpatory self-confessional, there is no material against this appellant. The appellant was also an employee of the same petrol pump whose manager was killed and it has been alleged that he worked as a liner in this case which is completely false. The appellant is in custody since 23.03.2022 and charge-sheet has been submitted in this case. The appellant is having clean antecedent.

Learned Spl. PP opposes the submission made on behalf of the appellants submitting that appellant Anish Kumar Singh is having criminal antecedents.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the material collected on record along with nature of allegation and



further considering the submission of charge sheet and their period of custody, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-SC/ST Court, Buxar in connection with Dumraon P.S. Case No. 146 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the appellants.

(ii) The appellants will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2022
Transmission Date	16.12.2022

