

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4046 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- WARISLIGANJ District- Nawada

SANJAY SINGH @ SANJAY KUMAR SINGH S/o LATE AJAB LAL
SINGH R/o VILLAGE-KUTARI, P.S-WARISLIGANJ, DISTRICT-
NAWADA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Narain, Senior Advocate Mr. Ranjeet Choubey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Sp.P.P.
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-03-2022 Heard Mr. Rajendra Narain, learned senior counsel for the appellant assisted by Mr. Ranjeet Choubey, learned Advocate and Mr. Sheo Kumar Prasad, learned counsel for the informant as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14-A (2) of the SC/ST Amendment Act, 2015 against the refusal of prayer for bail vide order dated 10.06.2021, passed by learned Additional District & Sessions Judge- 1st -cum- Special Judge, SC/ST Court, Nawada,



in connection with Warisaliganj P.S. Case No.265 of 2020/Special Case No.184 of 2020, registered under sections 341, 307, 302/34 of the IPC, section 27 of the Arms Act and sections 3(i) (r) (s) & 3 (ii) (v) of the SC/ST Act.

The prosecution case in brief, is that on the alleged date of occurrence, while the informant along with Ranjit Das went near the canal to catch fish, all of a sudden, the appellant along with 5-6 unknown persons came there and told them to sit on bridge and started abusing them, asking as to why they were catching fish. It is alleged that, the appellant took out revolver and shot Ranjit Das, who died on the spot and they further shot upon the informant, which hit his chest and arms but somehow, he managed to escape.

It is submitted by learned counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to dirty village politics. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature and only on suspicion, appellant has been made accused in this case. Charge has been framed



against the appellant. The appellant has no criminal antecedent and has been languishing in custody since 18.08.2020.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, since charge has been framed, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- 1st -cum- Special Judge, SC/ST Court, Nawada, in connection with Warisaliganj P.S. Case No.265 of 2020/Special Case No.184 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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