

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4038 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- BARH District- Patna

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Golu Singh @ Shubham Singh @ Sukaj Singh Son of Bali Singh @ Prem
Ballav Kumar Singh Resident of Village - Langerpur, P.S.- Barh, District -
Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Raj Kumar
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant		Mr. Anirudh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-01-2022 Heard learned counsel for the appellant, informant and

learned Special Public Prosecutor for the State through virtual

court proceeding.

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 03.09.2021, passed by
learned Additional District and Sessions Judge-III-cum-Special
Judge SC/ST, Patna in connection with Special Case No. 104 of
2021 arising out of Barh P.S. Case No. 142 of 2021, registered
under Sections 302/34 of the IPC, Section 27 of the Arms Act
and Sections 3(2v) of SC/ST Act.

Appellant is said to have committed murder of the
husband of the informant.



It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that allegation levelled against the appellant is general and omnibus in nature. He submits that neither the informant nor her brother-in-law are eye witness to the alleged occurrence. He submits that during course of investigation, it could not be ascertained that who had shot fire upon the deceased. He submits that appellant neither killed the deceased nor he was sitting at Dalan of Ranjit Singh where the said occurrence took place. He submits that there is no specific allegation against the appellant to abuse the informant or her family member by taking caste name, therefore no SC/ST Act is made out against him. 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 09.04.2021.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that in the postmortem report it appears that death is due to firearm injury.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the appellant, 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 District and Sessions Judge-III-cum-Special Judge SC/ST, Patna in connection with Special Case No. 104 of 2021 arising out of Barh P.S. Case No. 142 of 2021.

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

(Anjani Kumar Sharan, J)

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