

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2899 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

Shyam Kishore Singh @ Ram Kishor Kunwar, S/o Late Rama Kunwar
Resident of Village- Vishunpur Dhir, P.S.- Kalyanpur, District- East
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Faiz Ahmad Faiz (Presiding Officer), S/o Md. Manjurul Haque Resident of
Village- Bahlolpur, P.S.- Dhaka, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-09-2022

It is submitted by learned counsel for the appellant
that the instant case has been filed by the Presiding Officer,
represented by the State.

Considering the same, no notice is required to be
issued upon the informant/respondent no.2.

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

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

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 08.08.2022 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171 of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of D.P. Act, 131, 134B, 135, 135A of R.P. Act and Sections 3 (i) (r) (s) of SC/ST Act.

Allegedly, the appellant and several other accused persons attacked on the polling booth and assaulted the police personnel brutally. They damaged the EVM and started firing.

Learned counsel for the appellant has submitted that no such occurrence in the manner as alleged ever took place. The appellant has falsely been implicated in the case due to highhandedness of the police. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation against the appellant to abuse the informant by taking caste name, as such, no offence under SC/ST Act is made out against him. The appellant is in custody since 30.07.2022. The main assailant, namely, Priyanka Sinha



has already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 22.03.2022 passed in Cr. Appeal (SJ) No.218 of 2022. The several co-accused persons, having similar allegations, have also been granted bail by a coordinate Bench of this Court vide Cr. Appeal (SJ) Nos.267 of 2022, 268 of 2022 and 301 of 2022.

Learned Special PP has opposed the prayer for bail.

Having regard to the submissions made here-in-above and considering the fact that the main assailant has been granted bail by a coordinate Bench of this Court, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, subject to the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant 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 appellant 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)

balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2022
Transmission Date	01.10.2022

