

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4381 of 2021**

Arising Out of PS. Case No.-215 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Chitranjan Singh @ Chitranjan Kumar @ Vishal Singh, S/O Ram Anuj Singh
@ Modi Singh R/O Village- Sewgar, P.S.- Udwanthnagar, District- Bhojpur,
Ara

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Parmatma Singh
		Mr. Siddhartha Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor for the State.

The appellant has challenged the order dated
25.08.2021 passed by the learned 1st Additional Sessions
Judge, Bhojpur, Ara in connection with SC/ST Case No.114
of 2020 arising out of Udwanthnagar P. S. Case No.215 of
2020, instituted for the offences under Sections 302, 34 of
the Indian Penal Code, Section 27 of the Arms Act and
Section 3(i)(r)/ 3(2)(v) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989
whereby his prayer for grant of anticipatory bail has been



rejected.

The learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that his mother was going to ease herself in an orchard situated in the East of the house. On the way, there was a wire fencing which was uprooted by someone. It is next alleged that the named accused persons excluding the appellant came there and started abusing his mother and asked her wife why the fencing has been uprooted on which his mother replied that as to why she or her family members will uproot the fencing. When it is alleged that Kundan Singh, Chitranjan Singh (appellant), Ravindra Singh along with 5-6 unknown persons came variously armed and carrying small weapon. It is next alleged that he saw his mother running towards the house, when Suraj Singh fired and she fell down. It is also alleged that the victim was taken to the hospital where she was declared dead by the doctor.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation



is in two parts. It is further submitted that initially, it is alleged that Suraj Singh, Prakash Singh and Rahul Singh came and started abusing his mother with regard to uprooting of the fencing and thereafter, it is alleged that this appellant along with other named accused persons and 5-6 unknown came. But then, it is next submitted that allegation of firing is against Suraj Singh. It is also submitted that appellant is a student and the specific pleading with regard to that has been made in Para-15 of the appeal and in support of which Annexure-2 series has been annexed.

The learned counsel for the appellant next submits that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then appellant is not alleged to have fired or even alleged to have assaulted the deceased rather allegation is that he was also present at the place of occurrence. It is next submitted that the appellant being a student is preparing for various competitive examination and has also appeared in competitive exam being conducted by the U.P.S.C. and the Central Selection Board and Bihar Staff Selection Board. It is further submitted that in the event, if the appellant is sent to judicial custody in the nature of allegation, as alleged, his



entire career would be jeopardized and chances are bright that he will come in contact with hardened criminals. It is also submitted that appellant will not evade the law and will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case, so that the truth comes out.

The learned Special P. P. as well as the learned counsel for the informant opposes the anticipatory bail application of the appellant, but are not able to meet the submission of the learned counsel for the appellant that no overt act has been alleged against this appellant and that allegation of firing is against Suraj Singh.

Regard being had to the aforesaid submissions, the order dated 25.08.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No.114 of 2020 arising out



of Udwanthnagar P. S. Case No.215 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that appellant despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, the learned trial Court after giving an opportunity of hearing to the appellant shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds. Further, in the event, if after investigation charge-sheet is submitted and the learned trial Court comes to a conclusion that the appellant being released on an anticipatory bail is trying to delay the trial in any manner, then also the learned trial Court will have liberty to cancel his bail bonds after giving him an opportunity of hearing and recording a reasoned order.

(Satyavrat Verma, J)

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