

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4591 of 2021**

Arising Out of PS. Case No.-435 Year-2020 Thana- JAHANABAD District- Jehanabad

Karu Singh, Son of Madhir Singh, Resident of Village- Kumhwan, P.S.-
Jehanabad, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dewendra Narayan Singh, Advocate
For the State	:	Mr.Sanjay Kumar Singh, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 23-06-2022

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

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 31.07.2021 passed by the learned Additional District
and Sessions Judge-I, Jehanabad in connection with Spl. SC/ST
Case No.53 of 2021 arising out of Jehanabad (Kalpa) P.S. Case
No. 435 of 2020, registered under Sections 147, 148, 149, 341,



323, 324, 326, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act.

Learned counsel for the appellant has submitted that the dispute was over opening the Sluice Gate of Canal on the land belonging to the appellant and his co-villagers by the informant and his co-villagers. Some altercation took place between both the sides. The informant does not belong to the scheduled caste category and there was no intention to cause death as the shot allegedly fired by the appellant, hit the informant in his left leg and there was no repetition of firing. Learned counsel for the appellant has further submitted that initially the FIR was not registered for the offences punishable under any provision of SC/ST (POA) Act, but subsequently, during the course of investigation, the Sub-Divisional Police Officer in his supervision report has pointed out that since the injured Kapil Das and Malik Das are belonging to SC/ST community, therefore, the provisions of SC/ST (POA) Act are also attracted in relation with the present case. He has further submitted that moreover the matter has been compromised between the parties. The appellant is in custody since 10.06.2021.

Learned Special PP has opposed the prayer for bail,



submitting that the appellant is named in the FIR, who opened fire on the informant.

Learned counsel for the informant has submitted that the matter has been compromised.

Having regard to the submissions made here-in-above and considering the fact that the informant is not a person of scheduled caste category and further considering the nature of injury suffered by the informant along with the period of custody, 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 Additional District and Sessions Judge-1st, Jehanabad in connection with Spl.SC/ST Case No.53 of 2021 arising out of Jehanabad (Kalpa) P.S. Case No. 435 of 2020 subject to the following conditions:

- (i) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.06.2022
Transmission Date	24.06.2022

