

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3686 of 2022**

Arising Out of PS. Case No.-88 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Sunil Kumar Singh S/O Late Shivji Singh, R/v- kasmariya, P.S.- Charpo
Khari, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Saroj Kumar S/O Baijnath Prasad, R/V- Keshmariya, P.S.- Charpokhari,
District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Adv.
	:	Mr. Adarsh Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

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

The present appeal has been preferred under Section
14(A) (2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for bail vide order dated 07.07.2022 passed by 1st Addl. Sessions
Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in
connection with Charpokhari P.S. Case No. 88 of 2022 for the
alleged offence under Sections 147, 148, 149, 302 and 504 of
the I.P.C. read with Section 27 of the Arms Act and Sections 3

(i) (r) (s)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution case, the present F.I.R. has been lodged against 7 known accused persons including the appellant.

Learned counsel for the appellant submits that the specific allegation is against the Aditya Raj Singh @ Mithun Singh and Pintu Singh, who caused injury to the father and brother of the informant who died. Learned counsel also submits that so far as the present appellant is concerned, allegation of firing is there and from his firing no one was injured. Learned counsel further submits that antecedent of the appellant is clean, he is in custody since 22.05.2022 and charge sheet has already been filed in this case. He also submits that from the F.I.R. itself it transpires that there is admitted land dispute between the parties for which the present dispute has taken place.

Learned Special Public Prosecutor opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special

Judge, SC/ST Act, Bhojpur at Arrah in connection with Charpokhari P.S. Case No. 88 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

Accordingly, the impugned order dated 07.07.2022 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in connection with Charpokhari P.S. Case No. 88 of 2022 is hereby set aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	