

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.597 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- CHAPRA TOWN District- Saran

SHAKIL ALAM Son of Makbul Alam Resident of Village- Tejpurawa, P.S.-
Madhaura, District- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Chaudhary son of late Motilal Chaudhary Resident of Indira Nagar
sarkari Bazar,P.S-Town,District-Saran at chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14 (A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 19.11.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Special Court, Saran at Chapra in connection with Chapra Town P.S. Case No.496 of 2022, F.I.R. dated 06.08.2022 registered under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

According to FIR, on hearing the sound of firing, the informant came out from his house and saw that his younger brother had fallen due to fire shot in his chest and blood was also oozing. The cause of death is said to be the love affair between the deceased and the daughter of co-accused namely, Shaukat Ali.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not an eyewitness of the alleged occurrence and the appellant has been made accused on the ground that he is distant relationship with the co-accused namely, Shaukat Ali. He further submits that during investigation, no other cogent material has come against the appellant to connect his involvement in the present occurrence and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 07.08.2022.

Learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

Considering the facts and circumstances of the



case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Special Court, Saran at Chapra in connection with Chapra Town P.S. Case No.496 of 2022, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



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

(Rajesh Kumar Verma, J)

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