

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1855 of 2023**

Arising Out of PS. Case No.-338 Year-2021 Thana- NAVINAGAR District- Aurangabad

Abhimanyu Kumar Singh @ Abhimannu Kumar Singh Son of Pancham Singh Resident of village-Jankpur Pokhra, P.S.-Nabinagar, Dist-Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. AJAY DAS Son of Late Lalchand Das Resident of village-Das Mohall, P.S.-Nabinagar, Dist-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Pramendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 08-09-2023 Despite of valid service of notice of respondent no.2 but respondent no.2 has not appeared.

2. Heard Mr. Krishna Prasad Singh, learned senior counsel for the appellant, assisted by Mr. Pramendra Kumar Singh, Advocate and learned Special Public Prosecutor for the State.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail of the appellant by order dated 27.03.2023 passed by the learned Special Judge (SC/ST)-cum- 1st Additional District and Sessions Judge, Aurangabad, in connection with Navinagar P.S. Case No.338 of 2021 registered under Sections 341, 323, 504, 379,



307, 34 of the Indian Penal Code and read with section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v)(a) of SC/ST (POA) Act, 1989.

4. As per prosecution case, in short, is that the informant alleged that on 23.12.2021 the informant was in collection of dues amount then the accused persons armed with lathi weapon came there and Abhimanyu Kumar Singh (appellant) and co-accused Ujjwal Kumar started firing on informant and abusing with caste name Harijan chamar. The accused persons threaten to withdraw the previous case. Informant called police who came and seized empty cartridge. It is further alleged that co-accused Ujjwal snatched Rs.9,000/- from the informant.

5. Learned senior counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and appellant has not committed any offence as alleged in the F.I.R. He further submits that as per F.I.R. the appellant and other co-accused persons has fired upon the informant and also abused him by his caste name and appellant has also snatched Rs.9,000/- from the pocket of the informant.



6. Learned senior counsel for the appellant further submits that there is no injury report to suggest that the informant has received any gun shot injury, apart from the aforesaid no arms and ammunition has been recovered from the possession of the appellant which suggest that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that similarly situated, co-accused, namely, Ankit Kumar Singh has been granted bail by this Hon'ble Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 1955 of 2022. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 03.08.2022.

7. The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that appellant carries five criminal antecedent other than the present one but fairly submits that on the basis of paragraph no.3 of the present appeal that the appellant is acquitted in two cases and he is on bail in three cases.

8. Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST)-cum- 1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 338 of 2021, subject to 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 bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

9. Accordingly, the impugned order dated 27.03.2023
is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

