

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2581 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- NOORSARAI District- Nalanda

Rahul Singh Son Of Bablu Singh @ Manoj Singh Resident Of Village
Paparnausa, Police Station Noorsarai, Distrtict Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Majhi, Son of Hiranman Manjhi, R/o Village-Paparnausa, P.S.-
Noorsarai, District-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Sharma, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-09-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. It appears from the office note dated 06.09.2023
that the respondent No.2 has appeared through Vakalatnama but
no one appears on behalf of respondent No.2.

3. 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 11.05.2023 passed by the learned 3rd Additional Sessions
Judge -cum-Special Judge, SC/ST Act, Nalanda at Biharsharif in
Noorsarai P.S. Case No.404 of 2022, F.I.R. dated 25.10.2022
registered under Sections 147,148,149,341,323,324,326/307 of



the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r) (s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, allegation against the appellant is that he alongwith other co-accused persons assaulted to people of Musahari by lathi, Danda, brick and stones. Specific allegation against co-accused Vikram Kumar, Chhotu Singh and Sachin Singh is that they fired indiscriminately from their pistols which hit on back of Kamlesh Manjhi and in leg of Lachho Devi. During mar-pit informant received head injury and Sushma Devi and others also injured in the said occurrence.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the appellant and in the 2nd part, there is specific allegation of firing attributed against co-accused persons, namely, Vikram Kumar, Chhotu Singh and Sachin Singh. There is no accusation of any firing attributed against the appellant and the police, after investigation, submitted chargesheet against the appellant and



the appellant is in custody since 07.05.2023.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR and he was also accompanied with other co-accused persons and apart from the aforesaid the appellant carries two more cases other than the present one but fairly submits that out of two cases, the appellant is on bail in one case, as mentioned in para-3 of the bail petition.

7. 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) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge -cum-Special Judge, SC/ST Act, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No.404 of 2022 ,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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