

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3760 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

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Din Bandhu Singh Son of Balmiki Singh Resident of Village- Mahuar, P.S.-
Brahmpur (Nainejore O.P.), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sonu Upadhyay Son of Paras Upadhyay Resident of village- Majhriya, P.S.-
Industrial Area, District- Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arun Kumar Gupta
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-03-2023

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

Since the informant was not related to the deceased,
the learned Spl. P.P. was directed to inform the family members
of the deceased about the proceeding taking place in this court
and learned Spl. P.P. submits that the family members of the
were accordingly informed.

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 16.09.2022 passed by the learned Additional
Sessions Judge-1st -cum- Special Judge, SC/ST (POA) Act,



Buxar in connection with Dumraon P.S. Case No. 146 of 2022 registered for the alleged offences under Sections 394 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, a loot was committed on a petrol pump and the unknown miscreants looted Rs.5,14,000/- from the said petrol pump and the Manager was shot at, who, later on, succumbed to his injury. The name of the appellant transpired during investigation as one of the accused persons also involved in the alleged occurrence.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Umesh Singh. Otherwise, nothing material has come up against the appellant and the charge sheet has been submitted. The appellant is in custody since 17.08.2022 and he has got clean antecedent. Learned counsel further submits that co-accused persons have been granted bail vide Criminal Appeal (SJ) No. 2910 of 2022 and Criminal Appeal (SJ) 3757 of 2022 by a common judgement dated 15.12.2022. The case of the appellant is similar to that of them.



Learned Spl.PP vehemently opposes the submission made on behalf of the appellant. Learned Spl. P.P. further submits that the appellant was named by co-accused persons for his involvement regarding providing vehicle to the miscreants, who committed the offence at the petrol pump and he also received Rs. 5,000/- of the allotted amount.

Having regard to the submissions made hereinabove and considering the facts and circumstances of the case and further considering the fact that name of the appellant came up only in the confessional statement of co-accused and no recovery has been shown from the appellant and also considering the grant of bail to the co-accused persons and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st -cum- Special Judge, SC/ST (POA) Act and Children Court, Buxar in connection with Dumraon P.S. Case No. 146 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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)

DKS/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	29.03.2023
Transmission Date	29.03.2023

