

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4422 of 2022**

Arising Out of PS. Case No.-712 Year-2021 Thana- KAHALGAON District- Bhagalpur

BAMBHOLA SINGH @ HARSH SINGH S/o Anil Singh R/v- Bhalui Sujan,
P.S.- Kahalgaon, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harsh Singh

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 21-03-2023

Heard learned counsel for the parties.

The present appeal has been filed by the appellant under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) for setting aside the order dated 14.11.2022, passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur in connection with Kahalgaon P.S. Case No. 712 of 2021 registered under Sections 147, 302 and 201 of the Indian Penal Code and Section 3(1)(r)(s) and subsequently added Section 3 (2) (v) of the SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, the son of the informant had gone to watch orchestra with his friend Bambam Kumar @ Satyam Kumar and Makundar Tanti. It is alleged that five accused persons



including the petitioner attacked his son and they badly assaulted him with fists and slap. They also abused him by calling his caste. The accused persons after assaulting the son of the informant had thrown him in a pond. His dead-body was recovered from the pond.

Learned counsel for the petitioner has submitted that he is innocent and has falsely been implicated in this case. The allegation is general and omnibus. The petitioner is a person of clean antecedent and he is under custody since 12.01.2022. He has also submitted that the case of the petitioner is identical to that of co-accused Anurag Singh @ Raja and Raja Kumar @ Raja Babu, who have been granted bail by a coordinate Bench of this Court in Cr. App (SJ) No. 1904 of 2022 and Cr. App (SJ) No. 1527 of 2022 respectively.

Considering the above-mentioned facts and circumstances and also considering that on the identical footing the other co-accused persons have been granted bail by a coordinate Bench of this Court, the appeal is allowed and the impugned order dated 14.11.2022, is set aside. Accordingly, the appellant, above named, shall 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) Bhagalpur, in



connection with Kahalgaon P.S. Case No. 712 of 2021, subject to the following conditions:-

(i) The appellant shall not indulge in the similar nature of crime, till the conclusion of trial, and if it is found so, the prosecution shall file an application before the trial court for the cancellation of his bail bond.

(ii) The appellant shall cooperate in the disposal of trial and remain present physically on each every till conclusion of the trial and only on medical ground, assigning valid reasons, the exemption of the appellant from physical appearance shall be allowed by the trial court.

(iii) One of the bailors of the appellant shall be Anil Singh, who is his father and deponent of the present appeal.

(Nawneet Kumar Pandey, J)

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