

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.708 of 2024

Arising Out of PS. Case No.-7 Year-2017 Thana- PAKRIDAYAL District- East Champaran

Rama Shankar Singh S/O Late Gagandeo Singh R/O Village- Sishani, P.S-
Pakridhyal (PAKARIDAYAL), Distt.- East Champaran.

... .. Appellant/S

Versus

1. The State Of Bihar
2. Madan Prasad S/O Late Ramswarup Sah R/O Village- Pakaridayal, P.S-
Pakaridayal, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 12-07-2024 1. Heard the learned counsel for the appellant and the
learned Special P.P. Ms. Usha Kumari No.1.
2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
04.01.2024 in Pakaridayal P.S. Case No.07/2017 dated
19.01.2017 passed by the learned Special Judge SC/ST (POA)
Act, East Champaran at Motihari, registered under Sections 302,
326, 307, 458, 120B of the Indian Penal Code, Section 27 of the
Arms Act & Sections 3(2)(v)A of the SC/ST (POA) Act.
3. Learned counsel for the appellant submits that



appellant is a person with clean antecedent and has been falsely implicated in the present case by the informant. It is further submitted that the informant alleges that while he was discharging his business transaction with his business partner at Jaiswal Trading Company and his son and other people were sitting, there when in the meantime, four persons riding on two motorcycles came in front of his shop and resorted to indiscriminate firing from A.K.-47, causing firearm injury to Chuman Prasad, son of the informant, Manoj Kumar, Subodh Paswan and Radheshyam, out of which, Chuman Prasad and Subodh Paswan were declared dead by the doctor and Manoj Kumar died during the course of treatment. The learned counsel next submits that F.I.R. is against unknown and the appellant came to be implicated during the course of investigation, based on confessional statement of Manoj, who is his brother. It is further submitted that no doubt the allegation is of a heinous offence but then the name of the appellant transpired in the confessional statement of his brother, which does not have any evidentiary value. It is also submitted that appellant is a person with clean antecedent and he was not even aware that he has been implicating in the instant case. It is next submitted that similarly situated co-accused Vijay Singh had approached this



court seeking regular bail by filing Cr. Appeal (SJ) No.1473/2017 and the same was allowed by a learned co-ordinate Bench by an order dated 01.07.2017. It is further submitted that Vijay Singh remained in custody for more than four months as is recorded in the order dated 01.07.2017. It is next submitted that the appellant is in custody since 08.11.2023, as such, his period of custody is more than Vijay Singh, thus seeking parity seeks bail. It is also submitted that the appellant will not abscond rather will co-operate in the trial.

4. Learned Special Public Prosecutor opposes the prayer for bail but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that similarly situated co-accused Vijay Singh has been granted the privilege of bail.

5. Considering the submission of the learned counsel for the appellant, the appellant is directed to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran at Motihari, in connection with Pakaridayal P.S. Case No.07/2017.

6. Further, one of the bailors of the appellant shall be his brother-in-law (Bahnoi) Rakesh Kumar Singh.



7. It is further made clear that in the event if the learned trial court comes to a conclusion that the appellant after obtaining bail is trying to delay the trial in any manner, the learned trial court forthwith cancel the bail bonds of the appellant and shall ensure that all coercive steps are taken to put him behind bars.

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

(Satyavrat Verma, J)

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