

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1049 of 2024

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

SONU SINGH Son of Shashi Kant Singh @ Bhola Singh Resident of Village-
Hadipur, P.S.-Bachchwara, Dist-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RINKU DEVI Wife of Late Lalan Paswan Resident of Village-Kadarabad,
P.S.-Bachchwara, Dist-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 28.06.2024, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of bail vide order dated
01.02.2024 passed by learned Special Judge (SC/ST PoA),
Samastipur in connection with Vidyapati Nagar P.S. Case No.
01 of 2017 registered under Sections 302, 109, 120(B), 34 of the



Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the F.I.R., the appellant along with other co-accused is said to have killed the husband of the informant on the pretext that her husband was an accused in the murder case of one Banti Singh.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He submits that the appellant has no concern with the aforesaid occurrence. No independent witness has supported the prosecution case. He further submits that similar situated co-accused has been granted bail by this Court vide order dated 26.07.2024 passed in Cr. Appeal (SJ) No. 986 of 2024. Appellant has got eight antecedents as mentioned in para-3 of memo of the appeal and has been languishing in custody since 25.11.2020.

6. Learned Spl. PP for the State opposes prayer for bail.

7. Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted regular bail by this Court, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST PoA), Samastipur in connection with Vidyapati Nagar P.S. Case No. 01 of 2017, subject to the following conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The bailor shall also state on affidavit that he will inform the court concerned, if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(v) The appellant will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

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

(Anjani Kumar Sharan, J)

anand/-

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

