

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2082 of 2024

Arising Out of PS. Case No.-256 Year-2016 Thana- BIBHUTIPUR District- Samastipur

Navneet Singh @ Chiku Singh @ Sittu Singh @ Aaditya @ Aaditya Vats @
Aaditya Singh @ Navnit Singh Son of Sanjay Singh @ Sanjay Kumar Singh
RESIDENT OF VILLAGE- MAHTHI, P.S.- BIBHUTIPUR, DIST-
SAMASTIPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GANESH PASWAN SON OF TIKAI PASWAN RESIDENT OF VILLAGE-
SONVAR CHAK, P.S.- BIBHUTIPUR, DIST- SAMASTIPUR , BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhav Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-07-2024 1. Heard the learned counsel for the appellant and the

learned Special Public Prosecutor for the State. Taking into

account the submissions advanced by the learned counsel for the

appellant as also for the reasons mentioned in the petition filed

for condonation of delay in filing the present appeal i.e. I.A.

No.1 of 2024, I deem it fit and proper to condone the delay

which has occurred in filing the present appeal. I.A. No.1 of

2024 stands allowed.

2. The present appeal is directed against the order

dated 05.12.2023, passed by the learned Court of Special Judge,

SC/ST (POA) Act, Samastipur in connection with Bibhutipur

P.S. Case No.256 of 2016, registered for the offences punishable



under Sections 447, 307, 504/34 of the I.P.C., and Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST (POA) Act, whereby and whereunder the prayer of the appellant for grant of bail has been rejected.

3. The appellant has on a number of occasions approached this Court for grant of bail unsuccessfully. Now, it is the contention of the learned counsel for the appellant that it is almost five years of incarceration, which the appellant has already suffered for an incident in which the appellant is alleged to have inflicted gunshot injury upon the informant, which though was found to be penetrating injury/wound on the left upper arm below shoulder joint as also one penetrating wound on the upper arm of the informant, as per the earlier injury report received from PMCH, Patna, nonetheless the supplementary injury report dated 27.02.2020 shows the injury of the informant to be simple in nature, meaning thereby that the informant has recovered fully, hence it is submitted that the appellant be shown some sympathy and he be granted the privilege of bail. Lastly, the learned counsel for the appellant submits that this Court may impose such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.



4. The learned counsel for the appellant has further submitted that as far as the antecedents of the appellant are concerned, he has already been acquitted in four out of the six other criminal cases, in which the appellant had been made an accused and so far as the remaining two cases are concerned, he is on bail.

5. Per contra, the learned Special Public Prosecutor for the State has though opposed the present appeal, however he has not denied the fact that the appellant is languishing in custody since 27.05.2019 and charges have already been framed on 09.06.2022, however no witnesses have been examined, thereafter.

6. I have heard the learned counsel for the parties and gone through the materials available on record, as also considered the impugned order dated 05.12.2023, from which this Court finds that though there are materials to show prima facie involvement of the appellant in the alleged incident, however considering the fact that the appellant is in custody since more than five years and according to the supplementary injury report, the injury inflicted upon the informant, attributable to the appellant, has been found to be simple in nature apart from the fact that the appellant has already been



acquitted in four out of the six criminal cases, in which he was/is an accused, I deem it fit and proper to admit the appellant to the privilege of bail.

7. Accordingly, the appellant, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) in connection with Bibhutipur P.S. Case No.256 of 2016.

8. It is further directed that the appellant would mark his attendance before the Office-in-Charge of the concerned police station on each Monday of the week at 10:30 a.m., and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the appellant herein, shall stand cancelled automatically and the appellant shall be liable to be taken into custody forthwith.

9. Having regard to the facts and circumstances of the case and for the foregoing reasons, the order dated 05.12.2023, passed by the learned Special Judge SC/ST (POA), Samastipur in connection with Bibhutipur P.S. Case No.256 of 2016 is quashed. The appeal stands allowed.

(Mohit Kumar Shah, J)

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