

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4153 of 2024

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

Mukesh Singh Son of Late Laxmi Singh Resident of Village- Pandarak,
Police Station- Pandarak, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dharamraj Kumar Son of Sri Krishna Mohan Prasad Resident of Gopkita,
Police Station- Pandarak, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Krishna Jha, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP. Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-03-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. 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 for bail vide order
dated 16.08.2024 passed by learned Exclusive Special Judge
SC/ST Act, Patna in connection with Barh P.S. Case No. 523 of
2021 registered under Sections 302, 307, 120(B), 34 of the
Indian Penal Code, Section 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act and Section 27



of the Arms Act.

3. As per FIR, appellant is said to have been involved in conspiracy of the alleged occurrence and in the said incident, Rajesh Kumar (A.S.I., Pandarak) and Priya Ranjan Kumar @ Gorelal Yadav have succumbed to injuries caused by firearms.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in the case due to political rivalry. All the allegation levelled against the appellant is totally false and based on concocted facts. He further submits that there is no allegation against the appellant of firing upon the deceased, at best he is only conspirator. There is no cogent and reliable evidence against the him. During the course of investigation, one Jairam Kumar had been arrested who allegedly confessed his guilt, but he did not disclose about role of the petitioner in the alleged occurrence in any manner. It is further submitted that the co-accused persons against whom there is direct allegation of firing have been granted regular bail by this Court. Learned counsel further submits that appellant has 14 criminal antecedents and he has been languishing in custody since 05.08.2024.



5. Learned Spl. PP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. In the facts and circumstances of the case, since the co-accused persons against whom there is direct allegation of firing have been granted regular bail, the above named appellant is directed to be released 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 the learned Exclusive Special Judge SC/ST Act, Patna in connection with Barh P.S. Case No. 523 of 2021.

7. Accordingly, the impugned order is set aside and this appeal is allowed subject to the following conditions:

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

(2) The appellant shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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.

(4) 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.

(5) 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.

(Anjani Kumar Sharan, J)

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