

(2022) 12 PAT CK 0004

Patna High Court

Case No: Criminal Appeal (SJ) No. 2140 Of 2022

Aman Kumar Singh @ Aman
Singh Vs State Of Bihar

APPELLANT

Vs

RESPONDENT

Date of Decision: Dec. 1, 2022

Acts Referred:

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(2)(v), 14A(2)
- Indian Penal Code, 1860 - Section 34, 120B, 302
- Code Of Criminal Procedure, 1973 - Section 437(3)
- Arms Act, 1959 - Section 27

Hon'ble Judges: Arun Kumar Jha, J

Bench: Single Bench

Advocate: Raghav Prasad, Binay Krishna

Final Decision: Allowed

Judgement

Heard learned counsel for the appellant and learned A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of

prayer for bail vide order dated 02.06.2022 passed by the learned Additional Session Judge III-cum-Special Judge, SC/ST Act, Saran in connection

with Chapra Muffasil P.S. Case No. 91 of 2022 registered for the alleged offences under Sections 302, 120(B) and 34 of the Indian Penal Code and

Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, son of the informant was shot dead and the informant named the appellant who snatched the keys of bike of the son of the informant from him and had been demanding Rs. 15,000/- for return of the bike. Further allegation against the appellant and other co-accused persons is that they conspired together and killed the son of the informant whom they used to threaten.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is no eye witness to the occurrence and except for suspicion, there is nothing against this appellant. The appellant was not seen along with the deceased at any point of time.

However it has come during investigation that just before the occurrence, co-accused Anuj Kumar Singh was seen on motorcycle along with the deceased. On the basis of suspicion, six persons have been made accused in this case and post mortem report shows only two injuries which might be wounds of entry and exit. The appellant has got no concern with the deceased or his bike. The appellant was not even present at the place of occurrence as he was away in Lucknow for admission in some course and relevant documents have been filed on record in this regard. Charge sheet has been submitted in this case and the appellant is in custody since 20.05.2022. The appellant has got clean antecedent.

Learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the appellant. Learned counsel for the informant submits that the appellant has been named by the informant in the F.I.R. for his role in killing of his son.

Having regard to the submission made on behalf of the parties and considering the fact that there is only general allegation against this appellant without any specific overt act being attributed to him in murder of the son of the informant and further considering the lack of substantive material against him on record and also considering period of custody of the appellant along with submission of charge sheet against him, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the

satisfaction of learned Additional Session Judge-III-cum-Special Judge, SC/ST Act, Saran in connection with Chapra Muffasil P.S. Case No. 91 of

2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by

the court concerned.

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