

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5204 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Ravi Kumar Son of Ganesh Chaudhary, Resident of Village - Shakrullah,
Chak, P.S. -Mojahidpur (Babarganj), District- Bhagalpur.

... .. Appellant

Versus

The State of Bihar.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Rajeev Ranjan Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-11-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 06.09.2019 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 195 of 2019 registered under Sections 147, 148, 149, 342, 324, 302, 326 of the Indian Penal Code and Section 3(1)(r), 3/3, (2) and va of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that on a bare reading of the first information report it will appear that the specific allegation of firing shot which proved fatal has been made against one Sudhir Chaudhary. So far as this appellant is



concerned, save and except that he has also been named by one of the persons present near the place of occurrence, no other overt act has been alleged against him. He is in custody since 06.09.2019.

Learned Spl.P.P. for the State has though opposed the prayer for regular bail of the appellant but in course of submission accepts the factual position as appearing from the *Fardbeyan* of the informant wherein specific allegation has been made against Sudhir Chaudhary and there is no specific allegation against this appellant.

Considering the facts and circumstances of the case, wherein there is no specific allegation of commission of any overt act is there against this appellant and he is in custody since 06.09.2019, let the order dated 06.09.2019 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 195 of 2019 be set aside.

Let the appellant above named be released on bail in connection with Mojahidpur (Babarganj) P.S. Case No. 195 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions



Judge-cum-Special Judge, SC/ST Act, Bhagalpur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

avin/ved

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

