

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5276 of 2019

Arising Out of PS. Case No.-192 Year-2019 Thana- CHANDI District- Bhojpur

PRABHAT KUMAR Son of Kishore Singh @ Ram Kishore Sharma Resident
of Village - Lodipur, P.S.- Chandi, Distt - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Prasad Gupta
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-12-2019 Heard learned counsel for the appellant and learned
Special PP for the State.

A supplementary affidavit is being filed in the instant
appeal on behalf of the appellant. The same may be kept on
record.

The appellant who is in custody since 5.11.2019 has
filed the instant application for grant of bail in connection with
Chandi P.S. Case No. 192 of 2019 (District-Bhojpur) registered
for the offence punishable under sections 341,323,504,506,353
and 34 of the Indian Penal Code and section 3(i)(r)/3(i)(s)/3(i)
(va) of the SC/ST Act.

As per allegation in the FIR, on the informant
asking the accused persons as to why they were beating the
driver and khalasi of the truck it is stated that 10 to 12 accused



persons started abusing him and caught his uniform and pulled him down. It is further submitted that accused persons further threatened that they would kill him and also abused him by the name of his caste.

It is submitted by learned counsel for the petitioner that the allegation in the F.I.R. are false and concocted which would be evident from the fact that the informant was present along with other police personnel and they were at a distance of merely 200 yards from the police station. It is further stated that from perusal of the F.I.R. of Chandi P.S. Case No. 193 of 2019 which has been brought on record as Annexure-3 to the supplementary affidavit it would transpire that both the F.I.Rs, one in which instant application for bail has been filed as also the second F.I.R. which has been brought on record in the supplementary affidavit are more or less for the same occurrence. It is submitted that there is no justification by the police authorities for lodging two separate F.I.R. from perusal of which it would appear that the same has been lodged only with the reason to complicate the matters against the appellant. It is further submitted that the appellant is in custody since 5.11.2019 and besides the other case, F.I.R. of which has been brought on record in the supplementary affidavit, he is not accused in any



other case.

The application for bail was opposed by learned Special PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the contents in both the F.I.R, the Court is inclined to enlarge the appellant on bail. Let the appellant above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Bhojpur at Ara in connection with Chandi P.S. Case No. 192 of 2019 (District-Bhojpur).

The appeal stands allowed.

(Partha Sarthy, J)

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