

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5363 of 2019

Arising Out of PS. Case No.-690 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

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Ankit Kumar, Son of Mohan Ray, Resident of Chakmohemmed
(Chakmohabbat), P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr.Ratneshwar Prasad, Advocate
		Mr. Nitu Kumari, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appellant in the present case is seeking setting-aside of the order dated 14.11.2019 passed by learned Special Judge, SC/ST Act, Muzaffarpur in Ahiyapur P.S. Case No. 690 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 353, 427, 307, 324, 327 of the Indian Penal Code, Sections 3 / 4 of Prevention of Damage of Public Property Act, 1984 and and Sections 3(i) (r) 3 (2) (va) of the SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer of regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that bare



perusal of the FIR itself shows that the informant who is a Police officer named 10 accused persons specifically who were indulged in assaulting him. It is further submitted that the appellant has been made accused as one of the unknown persons who was allegedly involved in assaulting the informant.

Learned counsel for the appellant submits that the motorcycle did not belong to the appellant and the appellant has been remanded in four other cases by the Police after arrest in the present case and prior to remand in this case the appellant has no criminal antecedent. It is submitted that the appellant is in custody since 18.10.2019.

On the other hand, learned Spl. P.P. has opposed the prayer of bail of the appellant.

Considering the facts and circumstances of the case, wherein the Police Officer who has lodged the First Information Report has himself specifically named 10 persons who had indulged in causing assault on the Police party but this appellant is not named amongst those 10 persons and as it appears, later on the name of this appellant was brought in this case as one of the unknown persons who had allegedly later on indulged in causing assault. There is no specific allegation against him, the motorcycle did not belong to this appellant and learned counsel



for the appellant has explained to this Court that only after the appellant was arrested in this case, Police has implicated him in four other cases in which he has been taken on remand but prior to this this he had no criminal antecedent and further that the appellant has remained in custody since 18.10.2019, the impugned order dated 14.11.2019 passed by learned Special Judge, SC/ST Act, Muzaffarpur in Ahiyapur P.S. Case No. 690 of 2019 is hereby set-aside.

Let the appellant above named be released on bail in connection with Ahiyapur P.S. Case No. 690 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Muzaffarpur, 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)

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