

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.567 of 2020**

Arising Out of PS. Case No.-157 Year-2019 Thana- HABIBPUR District- Bhagalpur

1. Krishna Ram @ Kishan Kumar aged about 21 years (male) son of late Vikash Ram
2. Kanhai Ram @ Kanhaiya Kumar aged about 20 years (male) son of Vikash Ram
3. Chintu Ram @ Sintu Ram aged about 19 years (male) S/o Vinod Ram @ Vinod
all resident of Salepur Kahar Toli, P.S.- Habibpur, Distt- Bhagalpur.
... .. Appellants

Versus

The State of Bihar Respondent

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-08-2020 Heard learned counsel for the appellant no.3 on whose behalf only this criminal appeal survives and has been pressed for hearing as well as learned Spl. P.P. for the State.

Learned counsel for the appellant no.3 submits that in the First Information Report there are only vague, general and omnibus allegations. There is no specific allegation of either assault or of calling the informant taking his caste name. It is submitted that appellant no.3 is a close-door neighbour of the informant and from the last part of the First Information Report itself it will appear that the informant had a grievance with co-accused Mithilesh Mishra who had allegedly asked the informant to vacate his house in ten days as he had entered into an agreement with the said land. Learned counsel submits that



Annexure-2 is a copy of the FIR which was lodged by father of appellant no.1 and 2 against the prosecution party on which 107 Cr.P.C. proceeding was initiated. Learned counsel further submits that there is no independent witness in the case diary and it is nothing but a case of false implication by misusing the provisions of SC/ST Act.

Mr. Binay Krishna, learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellant as according to him there are allegations in the First Information Report.

Considering the facts and circumstances of the case as also on perusal of the First Information Report this Court has noticed that there is no specific allegation against the petitioner and in the case diary also there is no independent witness alleging any specific overt act against this petitioner, in such circumstance, this Court is inclined to grant privilege of anticipatory bail to the appellant.

The impugned order is, therefore, set aside. The appeal is allowed.

Let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Habibpur P.S. Case No. 157/2019 be released



on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned IIIrd Additional Sessions Judge – cum – Special Judge, SC & ST Act, Bhagalpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

