

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.802 of 2020**

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

SHANKAR RAM, Son of Late Feku Ram, Resident of Village - Pithauri,
P.S.- Baniyapur, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Amrendra Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

6 16-09-2020 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the impugned order dated 07.02.2020 passed by the learned Additional District and Sessions Judge 1st/Special Judge, SC/ST, Saran, Chapra in SC/ST Case No. 204 of 2019 arising out of Baniyapur P.S. Case No. 231 of 2019 dated 19.07.2019 registered under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code and Section 3(i) (s) of SC/ST Act whereby application of the appellant for grant of regular bail has been dismissed.

Learned counsel for the appellant submits that so far as this appellant is concerned, he has been named along with 50-



100 unknown persons who had allegedly stopped the brother of the informant and two others who were going on a Pick-up Van after loading animals. The allegation is that all of them had assaulted the brother of the informant and two others with an iron rod, lathi and other weapons as a result of which all the three persons died.

Learned counsel for the appellant submits that this Court while considering the prayer for regular bail of co-accused Dahari Ram and Satyanarayan Ram had occasion to go through the materials collected by the Investigating Officer in course of investigation. The video footage which has been taken note of by the Investigating Officer in paragraph '49' of the case diary shows the assailants but this appellant is not there in the video footage. There is no independent eye witness to the alleged occurrence and that there is no hearsay witness disclosing the name of this appellant. It is submitted that the case of this appellant stands on similar footing with those who have been granted regular bail in Cr. Appeal (SJ) No. 4704 of 2019.

Mr. Binay Krishna, learned Special P.P. for the State has perused the case diary. He has submitted that so far as the video footage that has been taken note of in the relevant



paragraph no. '49', however, in the video footage this appellant is not showing as an assailant. Learned counsel has submitted that in the video footage the co-accused Mohit Ram, Chandan Ram and Bhikhari Ram are showing. The appellant has otherwise got no criminal antecedent.

In the given facts and circumstances of the case, where the submission of the appellant is that the similarly situated co-accused Dahari Ram and Satyanarayan Ram have been granted privilege of regular bail and that appellant is not showing in the video footage as an assailant and otherwise has got no criminal antecedent, this Court sets aside the impugned order. Let the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Saran, Chapra in connection with Baniyapur P.S. Case No.231/2019, subject to the conditions as laid down under Section 437(3) of the 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, oft



he 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

