

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.905 of 2020

Arising Out of PS. Case No.-185 Year-2019 Thana- SASARAM RAIL P.S. District- Gaya

INDRAJEET CHAUDHARY, aged about 50 years, Gender-Male, Son of Late Chandradeo Chaudhary, Resident of Village - Rasulpur Karamhari, Ward No.1, P.S.- Mohaniya, Dist.- Kaimur (Bhabua).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Bhaskar Shankar, Advocate.
For the Respondent : Mr.Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of bail to the appellant in connection with Sasaram Rail P.S. Case No. 185 of 2019 registered for the offences under Sections 302/34 of the I.P.C. and 3(1)(r)(s) of SC/ST (POA) Act.

The prosecution case, in short, is that the son of the informant, namely, Manish Kumar, went for ‘*Dussehra Fare*’ on 08.10.2019 at about 23.00 in the evening and after 15 minutes the informant was informed by one Murari Paswan that his son



was screaming near the *Potico Park* of Bhabua Road, Railway Station in an injured condition when the informant alongwith his family members went there he found his son in a poor condition and his son told him that this petitioner and alongwith others hit him with brick, stones and Iron rod and threatened to kill him. His son was taken in the hospital where the doctor declared him dead.

It has been submitted on behalf of the appellant that the appellant is in custody since 06.11.2019. The appellant has falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21.01.2020, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Sasaram Rail P.S. Case No. 185 of 2019, is set aside. The criminal appeal is allowed.

Further, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of



learned Exclusive Special Judge, SC/ST, Gaya in connection with Sasaram Rail P.S. Case No. 185 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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(Sudhir Singh, J)

