

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1097 of 2020**

Arising Out of PS. Case No.-514 Year-2019 Thana- CHAPRA TOWN District- Saran

SANTOSH RAY Son of Amira Ray Resident of Village - Rauja, P.S. - Chapra
Town, District - Saran at Chapra.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Jeetendra Narayan, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Special PP

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

3 06-07-2020 Heard learned counsel for the appellant and Ms. Usha
Kumari, learned Special PP for the State.

Appellant in the present case is seeking setting aside of the order dated 18.02.2020 passed by learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 514 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 and 436 of the Indian Penal Code and 3(i) (r) 2(iv) (v) of the SC/ST Prevention of Atrocities Act whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that on perusal of the First Information Report, it will appear that there are general and omnibus kind of allegations against all the accused persons. It is submitted that similarly situated accused Ranjeet Rai has been granted regular bail by a learned Coordinate Bench of this Court in



Cri. Appeal (SJ) No. 1290 of 2020.

Learned Special PP for the State has though opposed the prayer for regular bail of the appellant but at the end it is not controverted that similarly situated co-accused Ranjeet Rai has been granted privilege of regular bail by learned Co-ordinate Bench of this Court and there is no specific allegation against this appellant.

Having regard to the facts and circumstances of the case wherein the FIR does not show any specific allegation against this appellant and it is not controverted that similarly situated co-accused has been granted privilege of regular bail by learned Co-ordinate Bench of this Court, the appellant has otherwise clean antecedent and there is no submission that his release at this stage is otherwise likely to interfere with the course of trial, let the impugned order be set aside and the appellant above named be released on bail in connection with Chapra Town P.S. Case No. 514 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran at Chapra, 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, 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.

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 during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

This appeal stands allowed.

(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'.

