

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1427 of 2020

Arising Out of PS. Case No.-175 Year-2014 Thana- SAHEBGANJ District- Muzaffarpur

TUNTUN RAM @ GAUTAM Son of Birju Ram Resident of Village -
Chauriya, P.S.- Mehashi, District - East Champaran (Motihari)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar @ S.K.
For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
appeal has been listed with defects.

Learned counsel for the appellant undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the appellant and the State.

The present appeal has been preferred against the
order dated 07.03.2020, passed by learned Additional District
and Sessions Judge-IX-cum-Special Judge, SC/ST(Prevention



of Atrocities) Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 175 of 2014, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 11.02.2020, in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 427 and 120B of the IPC, Section 27 of the Arms Act, Sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act and Section 17 of the Criminal Law Amendment Act.

The prosecution case, as per the fardbeyan of Manoj Ram, recorded by Ajay Kumar, S.I., Ahiyapur Police Station on 16.06.2014 at about 9.50 A.M. at S.K.M.C.H., Police Camp, Muzaffarpur is to the effect that on 15.06.2014, the informant went to attend the marriage ceremony of the daughter of Rameshwar Patel, where he met with Ramnaresh Bhagat Malakar and on his request, the informant and his uncle Sudist Ram took lift in the Tata Vista vehicle of Ramnaresh Bhagat Malakar, but on the way, 10-12 unknown extremists started resorting to fire, as a result, the uncle of the informant, Sudist Ram received firearm injury and died on the spot, leading to registration of FIR against unknown accused persons. The appellant was not named in the FIR. His name subsequently



sprang up during investigation in the supervision note prepared by the Dy. S.P.

Learned counsel for the appellant submits that only on the basis of suspicion, the appellant has maliciously been roped in the present case. The investigation has been concluded and the appellant has not been put on T.I. Parade. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent. It is further submitted that co-accused Rohit Sahni has been granted bail by a Co-ordinate bench of this Court, vide order dated 25.04.2017, passed in Cr. App (S.J.) No. 398 of 2017.

Learned APP for the State submits that the name of the appellant sprang up during investigation.

Considering the fact that the impugned order does not suggest any direct evidence against the appellant, the investigation has already been concluded, the appellant has not been put on T.I. Parade and similarly situated co-accused person has been granted bail by a Co-ordinate bench of this Court, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 07.03.2020, passed by learned Additional District and Sessions Judge-IX-cum-Special Judge,



SC/ST(Prevention of Atrocities) Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 175 of 2014 is hereby quashed and the appellant is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District and Sessions Judge-IX-cum-Special Judge, SC/ST(Prevention of Atrocities) Act, Muzaffarpur, in connection with Sahebganj P.S. Case No. 175 of 2014.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned



Additional District and Sessions Judge-IX-cum-Special Judge,
SC/ST(Prevention of Atrocities) Act, Muzaffarpur, in
connection with Sahebganj P.S. Case No. 175 of 2014.

The learned Court below will be at liberty to extend
the period of provisional bail further if the court proceeding in
physical mode will not resume in next three months.

The learned court below will be at liberty to cancel
the bail bonds of the appellant if he defaults for three
consecutive occasions during trial.

Accordingly, the present appeal is allowed and
disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

