

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5028 of 2019

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

1. Tribhuwan Ram, Son of Late Sheojee Ram, Resident of Village- Pithauri, Nandlal Tola, P.S.- Baniapur, District- Saran at Chapra.
2. Bhuwan Ram, Son of Late Sheojee Ram, Resident of Village- Pithauri, Nandlal Tola, P.S.- Baniapur, District- Saran at Chapra.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Brij Bihari Tiwary
For the Respondent : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-05-2020 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 counsel for the parties.

The matter relates to grant of bail to the appellants in connection with Baniapur P.S. Case No. 231 of 2019, registered for the offences under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the IPC and Section 3 (i)(s) of the SC/ST Act.

The prosecution case, in short, is that on 19.07.2019 the brother of the informant, namely, Naushad Alam was contacted by Raju Nut and Bideshi Nut to transport animals.



Along with them, while the vehicle reached near the spot, a mob of around 50-100 persons, variously armed, surrounded the vehicle and started abusing and assaulting three of them, due to which, they sustained injuries and later succumbed to the injuries.

It has been submitted on behalf of the appellants that the appellants are in custody since 20.07.2019 and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellants. The appellants are not named in the F.I.R. The name of the appellants has come in the present case during the course of investigation on the basis of suspicion. Neither any specific overt act is alleged against the appellants nor any special allegation has been levelled against the appellants. Other co-accused persons have been granted bail by another Bench of this Court vide Cr. Appeal (SJ) No. 4704 of 2019 under order dated 05.12.2019 and Cr. Appeal (SJ) No. 4633 of 2019 under order dated 20.12.2019.

On behalf of the State, it is submitted that the appellants are not named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18.09.2019 passed by learned Additional District &



Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in connection with Baniapur P.S. Case No. 231 of 2019 is set aside. The criminal appeal is allowed.

Considering the facts and circumstances of the case and also the lockdown, the appellants, above named, are directed to be released on bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in connection with Baniapur P.S. Case No. 231 of 2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each 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.

(Sudhir Singh, J)

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