

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5883 of 2019

Arising Out of PS. Case No.-272 Year-2019 Thana- KALYANPUR District- Samastipur

SONU KUMAR @ RAJA Son of Manoj Singh @ Manoj Kumar Singh
Resident of Village-Ladaura, Police Station-Dalsingh Sarai, District-
Samastipur.

... .. Appellant

Versus

1. The State of Bihar
2. Ranjeet Kumar Son of Late Ram Chandra Ray Resident of Village-Manarai
Tol, Police Station-Vibhutipur, District-Samastipur.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Kundan Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The appellant is seeking setting aside the order dated
20.11.2019 passed in ABP No. 2708/2019 by learned 1st
Additional Sessions Judge, Samastipur in connection with
Kalyanpur P.S. Case No. 272 of 2019 registered under Sections
323, 34, 341, 379, 385, 386, 504, 506 of the Indian Penal Code
and Section 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act.

Learned counsel for the appellant at the outset submits
that although the informant has been made respondent no. 2 in
this case but since it is a police case the informant is not a
necessary party.

Learned Special P.P. for the State has endorsed the



submission of learned counsel for the appellant and submits that in the police case learned Special P.P. is representing the State, hence no notice is required to be issued to respondent no. 2.

As per prosecution story the appellant is said to have been involved in extorting a sum of Rs. 2000/- from the informant and his Khalasi by giving hand and fist blow while they were going on with their pick-up Van. Learned counsel submits that from a reading of the F.I.R. it would appear that this appellant was not identified by the informant and his Khalasi, though he is residing in the same locality and the name of this appellant has been given allegedly on the information furnished by the local people. The source of identification has thus not been properly stated. It is further submitted that the appellant has no criminal history, he is a young man aged about 21 years and has been falsely implicated in this case.

Learned Special P.P. for the State submits that there are allegations against the present appellant that he along with the co-accused had given hand and fist blow to the informant and his Khalasi and had extorted a sum of Rs. 2000/- from their pocket though the source of identification is not mentioned in the F.I.R.

Considering the facts and circumstances of the case



wherein it is the submission of learned counsel for the appellant that the name of the appellant has been given allegedly at the instance of local persons whose identity has not been disclosed and further that the appellant is aged about 21 years and is ready to provide one of the bailors from his family and further undertaking to abide by such other condition which may be imposed by this court, let the impugned order be set-aside and in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur, in connection with Kalyanpur P.S. Case No. 272 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

Further condition that one of the bailors would be a family member of the appellant and in case the appellant is found involved in any other case of similar nature in future, the Investigating Officer of this case shall take steps for cancellation of bail of the appellant and as and when required by the Investigating Officer the appellant shall produce himself for interrogation.

The appeal stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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