

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL APPEAL (SJ) No.1593 of 2021**

Arising Out of PS. Case No.-49 Year-2020 Thana- CHERIYA BARIYARPUR District-  
Begusarai

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RANJEET MAHTO Son of - Anuplal Mahto Resident of Village-  
Maheshwara, Naulakha, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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**Appearance :**

For the Appellant/s : Mr. S.K. Lal, Advocate  
Mr. Pritish Kumar Lal, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

2      08-04-2021                      Heard learned counsel for the appellant and Mr.  
Sadanand Paswan, Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 04.11.2020 passed in Cheriya Bariyarpur P.S. Case No. 49 of 2020 registered for the offence punishable under Sections 341, 323, 504, 506, 385, 386, 307 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(va) of the SC/ST (POA) Act by learned Special Judge, SC/ST (PAO) Act, Begusarai whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per



the prosecution story, the alleged occurrence had taken place on asking of Rangdari from the informant, however, it is alleged that the appellant and co-accused had fired upon the informant. So far as this appellant is concerned, the specific allegation against him is that he had fired one shot from his pistol causing injury on the left arm of the informant.

Learned counsel submits that in the present case the F.I.R. has been lodged with some delay as it would appear that the informant instead going to the government hospital had gone to a private hospital and so far as this appellant is concerned, he has remained in jail in connection with the present case for six months approximately, he has otherwise no criminal antecedent.

Mr. Sadanand Paswan, learned Spl. P.P. for the State has though opposed the prayer for bail of the appellant but accepts that considering the fact that the allegation is of causing injury on the hand and there is no repetition of firing and further that the appellant has remained in jail for six months approximately, the Court may take appropriate view.

Considering the facts and circumstances of the case, in the nature of the materials placed before this Court showing the allegation against the appellant as one of the firing on the hand which is not a vital part of the body, there being no



repetition of firing and the appellant who has otherwise no criminal antecedent remained in jail for six months approximately, investigation against him is complete and there being no submission on behalf of the State that release of the appellant is likely to result in tampering with evidence or interfering with the course of trial, this Court sets- aside the impugned order.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (PAO) Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 49 of 2020, subject to the condition as laid down under Section 437 (3) 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 the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of.

**(Rajeev Ranjan Prasad, J)**

vats/-

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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'.

