

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1583 of 2021**

Arising Out of PS. Case No.-295 Year-2020 Thana- BARHIYA District- Lakhisarai

SONU SINGH Son of Late Sita Ram Singh Resident of Village - Gadh Tola,
Barahiya, Police Station - Barhiya, District - lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rabi Bhushan, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

5 09-07-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking to set
aside the order dated 21.01.2021 passed by learned 1st
Additional District and Sessions Judge-cum-Special Judge,
Lakhisarai in B.P. No.99 of 2021 arising out of Barhiya P.S.
Case No.295 of 2020 registered for the offences punishable
under Sections 341, 323, 325, 354, 427 and 504 of the Indian
Penal Code Act and Sections 3(i)(r)(s) of the SC/ST Act
whereby and whereunder the prayer for regular bail of the
appellant has been rejected.



As per the prosecution story, the informant Mukesh Paswan is running a Gumti and on 28.12.2020 at 19.00 hrs, one Sonu Singh (appellant) came at his Gumti and started throwing the items of Gumti and on protest the appellant abused him by taking his caste name and assaulted him by slaps. It is further stated that thereafter the appellant had forcibly putting down the informant on the earth due to which his left leg was fractured. It is further alleged that the informant is a handicapped man and two days back the appellant entered into his house and committed misbehave with this daughter.

Learned counsel for the appellant submits that on a reading of the FIR it would appear that the informant refers to an occurrence of eve-teasing with his daughter about two days back of the present occurrence, however, the said occurrence was not reported to the police. At this stage, this allegation has been added in this FIR just to implicate the appellant in a non-bailable offence. It is submitted that so far as the allegation of assault is concerned, all Sections are bailable in nature.

Learned counsel submits that the appellant has remained in jail in connection with the present case since 29.12.2020, more than six months have gone, investigation is complete but the trial is not likely to be concluded in near



future, the appellant has no criminal antecedent and, therefore, he may be given an opportunity to mend his ways.

Mr. Binay Krishna, learned Spl. P.P. for the State has opposed the prayer for regular bail of the appellant. According to him, the petitioner had assaulted the informant and had forcibly putting down him on the earth which led to fracture of the leg. Learned counsel further points out that the witnesses have supported the allegations.

Considering the facts and circumstances of the case wherein the allegation against the appellant is that of assaulting the informant by hand and fists blow and in the said assault the leg of the informant has been fractured, however the appellant has no criminal antecedent, he has remained in custody for over six months, investigation against him is complete but the trial is not likely to be concluded in near future, this Court sets aside the impugned order and directs that the appellant 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 1st Additional District and Sessions Judge-cum-Special Judge, Lakhisarai in connection with Barhiya P.S. Case No.295 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.

(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'.

