

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1653 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- MAIGRA District- Gaya

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RANJEET THAKUR S/o Late Dwarika Thakur Resident of Moktarganj, P.S.-
Maigra, Dist- Gaya- 824206

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Mohan, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl.P.P.

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

4 01-07-2021 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 13.01.2021 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Maigra P.S. Case No.31/2020 registered for the offences punishable under Sections 302, 120(B)/34, 148 and 307 of the Indian Penal Code Act, Section 27 of the Arms Act and Sections 3(2)(r) of SC/ST Act.

The prosecution case as per the First Information



Report is that on 28.08.2020 at about 10.30 pm when the husband of the informant was sitting at the door of the deceased Sohan Yadav the informant heard the sound of firing and came out from the house and saw that all the accused persons including this appellant carrying pistol in their hand and fired upon the deceased Sohan Yadav. It is alleged that the husband of the informant also got injured and fell down in the pool of blood. It is further alleged that the deceased was murdered by his political and business opponents as he was running a bricklin.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case on mere suspicion. Learned counsel submits that there is no specific allegation of assault against this appellant and no overt act has been attributed to this appellant. It is submitted that the the appellant has remained in jail in connection with this case for about ten months.

Learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that the appellant has been named in the First



Information Report along with co-accused on mere suspicion, he has not been seen firing either by the informant or other witnesses, the learned Sessions Judge has taken note of the submissions in which the statement of the witnesses have been recorded in paragraph '61' of the case diary and this witness has not identified the petitioner as firing upon the deceased, the appellant has remained in jail for about ten months, investigation against him is complete but the trial is not likely to be concluded in near future, the appellant has got one case on his head in which he has already been acquitted, in the circumstances, this Court sets aside the impugned order and directs release of the appellant 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Maigra P.S. Case No.31/2020, 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'.

