

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1657 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

Om Prakash @ Om Prakash Mahto S/O Brijnandan Mahto R/O Village-
Rampur, P.S.-rajouli, District-Nawada.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar,Advocate
For the Respondent/s : Mr.Binay Krishna,Spl.P.P.

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

2 08-04-2021 Learned counsel for the appellant undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Binay
Krishna, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting
aside of the order dated 17.12.2020 passed by learned 1st
Additional District and Sessions Judge-cum-Special Judge
(SC/ST Act), Nawada in Rajouli P.S. Case No. 223 of 2020
registered for the offences under Sections 147, 341, 323, 307,
302 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act,
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 informant's brother Umesh Yadav (deceased) is alleged to have been assaulted by the accused persons named in the FIR and in that course co-accused Brijnandan Yadav was holding the rope placed on to the chest of the deceased.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that there is no allegation of specific overt act against this appellant. It is submitted that there are general and omnibus kind of allegations and similarly situated accused persons have been granted bail by several co-ordinate Benches of this Court. The appellant is in custody since 24.11.2020.

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

Having regard to the facts and circumstances of the case, wherein this Court has noticed the submission of learned counsel for the appellant saying that the allegations in the First Information Report are general and omnibus kind of allegations and out of 18 accused named in the FIR, several co-ordinate Benches of this Court have already granted bail to at least 12 accused persons and recently on 25.03.2021 the co-accused



Brijnandan Yadav against whom there is an allegation that he had placed a rope on to the chest of the deceased and was holding the same has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 754 of 2021, the appellant in the present case is in custody since 24.11.2020, investigation against him is complete and if released on bail there is no chance of his tampering with evidence or interfering with the course of trial, learned Spl.P.P. for the State has not controverted the submissions of learned counsel for the appellant, this Court sets aside the impugned order and directs release of the appellant above named 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 (SC/ST Act) Nawada, in connection with Rajouli P.S. Case No. 223 of 2020, subject to the conditions 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.

The appeal stands disposed of accordingly.

(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'.

