

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1625 of 2021**

Arising Out of PS. Case No.-309 Year-2020 Thana- BENIPATTI District- Madhubani

SANJAY SINGH @ SANJAY KUMAR SINGH S/O SURENDRA SINGH
R/O VILLAGE-MOHAMMADPUR, P.S-BENIPATTI, DISTRICT-
MADHUBANI.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Rana Bhupendra Narayan Singh, Advocate
For the Informant	:	Mr. Ravindra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2021 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, learned counsel for the informant and learned Spl. P.P. for the State.

The present appeal has been preferred for setting aside the order dated 18.12.2020 passed by learned 1st Additional Judge-cum-Special Judge, Madhubani in connection with G.R. No. 179 of 2020 arising out of Benipatti P.S. Case No. 309 of 2020 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 504/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act whereby prayer for bail of the appellant



was rejected.

Learned counsel for the appellant submits that as per the prosecution story there was a quarrel between the informant side and the appellant side on account of fish catching in the pond. It is alleged that the named and unnamed 5-7 accused persons had abused the informant in his caste name. It is alleged that co-accused Amrendra Singh was having dagger in his hand, he assaulted the informant on his head by dagger. In his second attempt he assaulted the informant by dagger in the backside of his head. It is, then alleged that this appellant together with his associates lashed with sharp weapon and farsa took attempt to kill the informant but the informant saved himself. As per further story, one Praveen and some other persons caught hold of both of them and because of his intervention the informant was saved. The informant claimed that he was taken to Benipatti hospital from where he was referred to Madhubani and Darbhanga.

Learned counsel for the appellant submits that from the allegations in the F.I.R. itself it would appear that in the alleged occurrence this appellant has been falsely implicated. According to him, even as per allegations, this appellant has not caused any injury to the informant. The allegation of abuse in the caste name has been made against the four named and some



unnamed accused persons, therefore, it is his submission that there is no specific allegation of abuse against this appellant.

Learned counsel further submits that the informant has suffered only one injury which has been found to be simple in nature. This according to him falsifies the allegation of the informant that the appellant and some other person had attempted to kill him.

It is further submitted that the appellant has got seven cases against him but most of these cases have arisen because of the petty disputes which have taken place over fishing in the pond. In all these cases appellant is said to be on bail.

So far as the present case is concerned, the appellant is languishing in jail since 04.12.2020, investigation against him is complete and if released on bail there is no chance of his tampering with the evidence or interfering with the course of trial.

On the other hand, learned counsel for the informant has appeared and has opposed the prayer for bail of the appellant. According to him, the appellant had also indulged in the said quarrel and he had though not caused any injury on the body of the informant but there is an allegation that he had also attempted to kill the informant. Learned counsel for the



informant further submits that the appellant has got seven cases which are stated in paragraph '3' however learned counsel does not dispute that in these cases the appellant is on bail.

Learned Spl. PP for the State has opposed the prayer for bail of the appellant. In course of submissions, however, it is not denied that so far as this appellant is concerned, except the allegation that he had also attempted by farsa in his hand, there is no allegation that he had caused any farsa injury to the informant or anybody else.

Considering the facts and circumstances of the case, wherein this Court has noticed that four named as well as some unnamed persons numbering about five to seven have been made accused in this case, there are general and omnibus allegations that all the accused named and unnamed had abused the informant, however, there is no specific allegation against this appellant, the specific allegation of causing assault by dagger is against co-accused Amrendra Singh. So far as this appellant is concerned, it is though alleged that he had also attempted to cause assault upon the informant by farsa but no farsa blow was suffered by the informant and thus no injury is attributed to this appellant. So far as the cases stated in paragraph '3' are concerned, there is specific statement that in



all those cases, the appellant is on bail. Further, this is a regular bail application and learned Spl. PP for the State informs that the investigation against the appellant is complete, at the same time there is no submission that the release of the appellant is in any way likely to result in tampering with evidence or interfering with the course of trial, this Court sets aside the order impugned.

Let 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 learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with G.R. No. 179 of 2020 arising out of Benipatti P.S. Case No. 309 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 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'.

