

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1646 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- NASRIGANJ District- Rohtas

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KAMLESH KR SINGH SON OF LATE CHATURI SINGH RESIDENT OF
VILLAGE LALA ATIMI PS NASRIGANJ DIST ROHTAS

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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

3 18-05-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, 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 Addl. District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in registered Case No. 284 of 2020, arising out of Nasriganj P.S. Case No. 183 of 2020 registered for the offences under Sections 341/323/354 B/504/506/34 of the Indian Penal Code and under Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act by which the prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that on bare perusal of the First Information Report it would appear that the allegations are levelled in most general and omnibus manner. There is no specific allegation that this appellant had done any



overt act. It is further submitted that the appellant has been falsely involved in this case because of the earlier litigation going on between the parties. In connection with the present case, the appellant is said to have remained in jail since 03.12.2020.

Although Mr. Sadanand Paswan, learned Spl. P.P. for the State has opposed the prayer for regular bail of the appellant, however, at the same time learned Spl. P.P. has submitted that since it is a regular bail petition and if this Court considers granting bail then some stringent condition be imposed.

Having regard to the facts and circumstances of the case, in the nature of the acquisitions being general and omnibus, the appellant having remained in jail in connection with this case since 03.12.2020, there being no specific allegation against him, 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 1st A.D.J.-cum-Special Judge, Rohtas at Sasaram in connection with registered Case No. 284 of 2020, arising out of Nasriganj P.S. Case No. 183 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.

And further condition that in course of trial if the appellant does not cooperate and do not appear on two consecutive date, the court below shall take steps for cancellation of bail bond.

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'.

