

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1655 of 2021**

Arising Out of PS. Case No.-111 Year-2016 Thana- MITHANPURA District- Muzaffarpur

Shahil @ Shahil Raj Son Of Late Ganesh Sah Resident Of Mohalla-
Aamgola, Paraw Pokhar Lane P.S.- K.M.P. District- Muzaffarpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Jyotsna Rani Mishra, Adv.
For the Respondent/s : Ms. Usha Kumari-1, Spl.P.P.

**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 12.01.2021 passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Mithanpura P.S. Case No.111/2016 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code Act and Sections 3(2)(v)(a) of SC/ST Act whereby and whereunder the prayer for bail of the appellant has been rejected.



As per the First Information Report, the allegation against the appellant is that he had taken away the son of the informant from his house and thereafter he was traceless and further allegation is that the appellant along with the other accused persons killed him.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel submits that the appellant is not named in the FIR and his name has surfaced in this case during investigation on the basis of mere suspicion. Learned counsel submits that the similarly situated co-accused Raushan Singh and Rohit Kumar @ Kumar have been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.17655 of 2017 and Cr.Appeal(SJ) No.2307/2017 respectively. It is submitted that the appellant has remained in jail in connection with this case since 17.12.2020 having no criminal antecedent.

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

Having heard learned counsel for the appellant and learned Spl.P.P. for the State and upon noticing that the case of the appellant stands on similar footing with co-accused Raushan Singh and Rohit Kumar @ Kumar who have been granted bail



by a learned coordinate Bench of this Court in Cr.Misc.No.17655 of 2017 and Cr.Appeal(SJ) No.2307/2017 respectively, the appellant has remained in jail in connection with this case since 17.12.2020, 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 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Mithanpura P.S. Case No.111/2016, 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'.

