

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2224 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- SAKSOHRA District- Patna

1. Sharan Yadav @ Ram Sharan Yadav, Son of Bahadur Yadav, Resident of Village - Bhagabigha, P.S.- Saksohra, Distt.- Patna.
2. Surup Yadav @ Ram Swarup Yadav, Son of Bahadur Yadav, Resident of Village - Bhagabigha, P.S.- Saksohra, Distt.- Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-08-2021 Heard learned counsel for the appellants and Mr. Binay Krishna, learned Special P.P. for the State.

Reference may be made to the order dated 05.07.2021. Reply to the show cause has been filed on behalf of one Naveen Yadav. Paragraph '2' of the reply reads as under:-

“That I obtained the photo copy of the injury mentioned in para- 34 to 40 of the case diary from the Dustbin of Photostat Machine in Patna Civil Court, Patna which was useful for me because the injury report of the injured person mentioned in the same paragraph and it was typed but by mistake the Advocate Clerk has submitted the photo copy of the case from para- 34 to 40 in the appeal petition and I have got no knowledge that the

photo copy of the injury report mentioned in the case diary will not be submitted before the court but photo copy of para- 34 to 40 of the case diary in connection with Saksohra P.S. Case No. 26 of 2010 along with type copy has been filed as Annexure- 2(series) for which I seek a great apology.”

When this Court pointed out to learned counsel for the appellants that not only the statements are vague in nature as it does not disclose either the fact as to whether the photostat machine belong to the Civil Court, Patna or to any other shop and how the deponent could take away the copy of the case diary lying in the premises of the photostat machine shop or office as the case may, Mr. Vijay Kumar Sinha, learned counsel for the appellants having sensed the trouble in explaining the statements made in paragraph ‘2’ seeks unconditional apology. Considering this, the Court accepts the show cause with a word of caution that the deponent must be very cautious while making statements on oath in any proceeding before a court of law.

Appellants in the present case are seeking to set aside the order dated 03.02.2021 passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 332 of 2020 arising out of Saksohra P.S. Case No. 26 of 2020 registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 325, 337, 338, 379, 447, 307 of the Indian Penal Code and Section 3(1) (r) (s)(w)(i)(ii)2(V-a) of the Scheduled Castes and Scheduled Tribes Act whereby and whereunder their prayer for regular bail was rejected.

The prosecution case in brief is that on 01.08.2020 at about 6.00 P.M. the accused persons came to the house of the informant and started abusing him by his caste name when Rajendra Paswan (since deceased) protested then accused persons started assaulting him with iron rod and lathi. It is alleged that when the family members of the informant came to rescue him then accused persons assaulted them. It is further alleged that accused persons snatched Rs. 2000/- and one golden chain from the neck of the informant.

Learned counsel for the appellants submits that in the First Information Report altogether 24 persons are named and there are general and omnibus allegations against all of them that they had assaulted one Rajendra Paswan (since deceased). The allegation against these appellants and co-accused Ram Swarup Yadav are that they had assaulted one Sanoj Kumar by rod and lathi on his head and hand.

Learned counsel submits that it has come in the case

diary in paragraph '44' in the statement of the injured that he was assaulted by co-accused Pramod Yadav. It is further submitted that Pramod Yadav and some of the other co-accused have been granted bail by learned Special Judge, SC/ST, Patna in Special Case No. 332 of 2020 (Annexure '4' to the supplementary affidavit).

Mr. Binay Krishna, learned Special P.P. for the State has opposed the prayer for regular bail of the appellants, considering the facts and circumstances of the case and in the nature of the materials noticed hereinabove, this Court sets aside the impugned order and directs release of the appellants on bail, let the appellants above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III -cum- Special Judge, SC/ST, Patna in connection with Special Case No. 332 of 2020 arising out of Saksohra P.S. Case No. 26 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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)

vats/-

U		T	
---	--	---	--

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'.