

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2270 of 2021**

Arising Out of PS. Case No.-12 Year-2017 Thana- SAMHO District- Begusarai

SONU KUMAR @ SONU SINGH Son of Ashok singh Resident of Village -
Nandpur, P.S.- Surryagarha, Distt.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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

2 21-06-2021 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 19.08.2020 passed by learned Special
Judge, SC/ST (POA) Act in connection with Samho P.S. Case
No.12/2017 registered for the offences punishable under
Sections 447, 341, 342, 323, 504 and 506/34 of the Indian Penal
Code and Sections 3(i)(v)(x) of SC/ST Act whereby and
whereunder the prayer for regular bail of the appellant has been
rejected.



As per the prosecution story one Sanduli Paswan lodged an FIR stating therein that on 25.05.2017 when he was cultivating his land then all the accused persons named in the FIR including this petitioner lashed with firearm, lathi and danda came there, assaulted him and abused him by taking his caste name.

Learned counsel for the appellant submits that the dispute between the parties is over a piece of land on which the informant is claiming his possession through Parcha. Learned counsel submits that there are altogether nine named accused who are all co-villagers and there is general and omnibus kind of allegation of assault against all the accused persons including this appellant. It is submitted that the appellant has remained in jail for about one and half years in connection with the present case

Mr. Sadanand Paswan, learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it appears from a bare reading of the First Information Report that the dispute between the parties is over a piece of land on which the informant is claiming his possession



through Parcha, there are altogether nine named accused who are all co-villagers, considering the nature of the allegations and the materials and that the appellant has remained in jail for about one and half years in connection with the present case as also considering that the investigation is complete but the trial is not likely to be concluded in near future, let the impugned order be set aside and 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 of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Samho P.S. Case No.12/2017, 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'.

