

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2221 of 2021**

Arising Out of PS. Case No.-249 Year-2020 Thana- BIKRAMGANJ District- Rohtas

1. BABAN SINGH Son of Shiv Lagan Singh Resident of Yadav Mohalla, Ward No.26, P.S.- Vikramganj, District- Sasaram (Rohtas)
2. Bhola Yadav Son of Baban Singh Resident of Yadav Mohalla, Ward No.26, P.S.- Vikramganj, District- Sasaram (Rohtas)
3. Pawan Kumar Singh @ Pawan Kumar Singh Son of Baban Singh Resident of Yadav Mohalla, Ward No.26, P.S.- Vikramganj, District- Sasaram (Rohtas)

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Shrivastava, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, APP

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

4 30-06-2021 Learned counsel for the appellants undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellants and Ms. Usha Kumari, learned Spl.P.P. for the State.

The appellants in the present case are seeking to set aside the order dated 27.2.2020 passed by learned Ist Additional District and Sessions Judge-cum-Special Judge, Rohtas, Sasaram in connection with Vikramganj P.S. Case No. 249 of 2020 registered for the offences punishable under Section 147, 148, 149, 302, 34 of the Indian Penal Code and Section 25 (1-B) (a) 26, 35, 27 of the Arms Act and Section 3(I)(r)(v) of SC/ST Act whereby and whereunder the



prayer for bail of the appellants was rejected.

Learned counsel for the appellants submits that as per the prosecution story, the informant was returning from his tailoring shop after closing it and when he reached at Kashi Ghat he saw that there was a scuffle going on between his brother (Santosh Ram) and the appellants along with other accused persons. Anyhow the brother of the informant run away from there but only after some distance Pintu Yadav, Rakesh Kumar and Pawan Singh fired upon him as a result of which he fell down.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that there are no specific allegations against these appellants. The Appellants are in custody since 3.2.2021 having no criminal antecedent.

Learned counsel for the State has opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the allegations made in the First Information Report that the allegations of opening fire have been specifically made against the appellant No. 3 of the present case and the co-accused Pintu Yadav, Rakesh Kumar and other unknown persons, however, the fatal shot has been specifically attributed to the co-accused Pintu Yadav and Rakesh Kumar who had allegedly fired on the head of the deceased by country-made pistol and because of



the injury caused in the head the brother of the informant fell down, considering the nature of the case and the submissions that so far as the appellant No. 1 and 2 are concerned, there is no specific allegation of firing against them and allegations of firing against appellant No. 3 is only vague in nature, this Court sets aside the impugned order and directs the release of the appellants above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Rohtas, Sasaram in connection with Vikramganj P.S. Case No. 249 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

