

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2939 of 2021**

Arising Out of PS. Case No.-164 Year-2018 Thana- SINGHIYA District- Samastipur

Jitendra Singh Son of Yoganand Singh Resident of Village- Vasudeva, P.S.-
Singhia, District- Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raja Ram Mishra,Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

2 26-07-2021 Learned counsel for the appellant 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 appellant and Mr. Binay
Krishna, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside
of the order dated 17.02.2021 passed by learned A.D.J.-1 cum
Special Judge, Samastipur in connection with Singhiya P.S. Case No.
164 of 2018 registered for the offences punishable under Sections
147, 148, 149, 302, 307, 323, 341, 504 and 506 of the Indian Penal
Code and Sections 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST (Prevention
of Atrocities) Act whereby and whereunder the prayer for bail of the
appellant was rejected.

Learned counsel for the appellant submits that in the First
Information Report, the appellant is not named. As per the

prosecution story, 9 named accused and 40 other unknown persons had killed her husband with lathi and danda. The name of this appellant has transpired in the supervision note, however, the informant has filed a petition before learned A.D.J. 1 Special Judge stating that this appellant had no role in this case.

It is further submitted that similarly situated co-accused whose name has also transpired with the appellant has been granted regular bail by a learned Co-ordinate Bench of this Court vide order dated 05.03.2021 passed in Cri. Appeal (SJ) No. 1454 of 2021. Three other co-accused who are named in the FIR have been granted bail in Cri. Appeal (SJ) No. 1612 of 2019.

Learned Spl.P.P. for the State has though opposed the prayer for regular bail of the appellant but considering the facts and circumstances of the case, wherein the accusation against the present appellant is not there in the FIR and the co-accused similarly situated have been granted bail by learned Co-ordinate Benches of this Court, the appellant is in custody in connection with this case since 17.02.2021, this Court sets aside the impugned order and directs release of the appellant 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 A.D.J.-1 cum Special Judge, Samastipur in connection with Singhiya P.S. Case No. 164 of 2018, 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 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.

The appeal stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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'.