

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2885 of 2021**

Arising Out of PS. Case No.-3 Year-2019 Thana- GUTHANI District- Siwan

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ROSHAN SINGH @ KHUTA SINGH S/O PRAVEEN SINGH @
KAMLESH SINGH R/O VILLAGE-SOHAGRA, P.S.- GUTHUNI,
DISTRICT-SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prabhakar Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-09-2021 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 Mr.
Sadnanand Paswan, learned Spl. P.P. for the State.

The appellant in the present case is seeking to set
aside the order dated 04.06.2021 passed by learned Additional
Sessions Judge-1st-cum-Special Judge, Siwan in connection
with Guthuni P.S. Case No.03/2019 registered for the offences
punishable under Sections 341, 323, 387, 307, 504 and 506/34
of the Indian Penal Code Act and Sections 3(1)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 whereby and whereunder the prayer for

regular bail of the petitioner has been rejected.

Learned counsel for the appellant submits that as per the prosecution story this appellant was demanding a rangdari of Rs.5,000/- and when it was refused, this appellant abused the informant in the name of his caste and assaulted him on his head by an iron rod with an intention to kill him. The co-accused named in the FIR were lashed with Katta and they also assaulted the informant badly.

Learned counsel submits that the allegation of assault is also there against the co-accused but without specifying the part of the body on which they assaulted. So far as this appellant is concerned, it is alleged that he had assaulted by an iron rod, however, the injuries found on the body of the informant show that there is only one injury on his scalp which is simple in nature.

The co-accused Ankit Singh against whom the allegation is that of causing assault by pistol butt has been granted bail by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.3472 of 2019.

So far as the criminal antecedents of the appellant are concerned, it is stated that he has got four criminal antecedents and in all the cases he is on bail.

Learned counsel submits that the petitioner has been falsely implicated at the instance of the ex-Mukhiya because the father of the appellant is involved in politics and was engaged in Parliamentary Election held in the year 2019 against the party to which the informant and his family members are supporting.

Learned Spl. P.P. for the State has though opposed the prayer for regular bail of the appellant, but considering that the only assault attributed to the appellant causing injury to the informant has been found simple in nature and the co-accused has been granted bail by a learned coordinate Bench of this Court, in the cases against the appellant he is on bail, 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-1st-cum-Special Judge, Siwan in connection with Guthni P.S. Case No.03/2019 (Spl. Case No.11/2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.