

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2938 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- PALASI District- Araria

Dayanand Sah S/o Late Gulay Sah R/o village- Sohagpur, Ward No.- 12, P.S.-
Plasi, District- Araria (Bihar)

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Advocate

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

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

3 01-09-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

Appellant, in the present appeal, is seeking setting aside the order dated 28.05.2021 passed by learned Additional Session Judge - cum – Special Judge, Araria in connection with Spl.(SC/ST) Case No. 40/21 arising out of Palasi P.S. Case No. 54/2021 registered for the offence under Section 147, 148, 149, 341, 323, 324, 353, 504, 506/34 of the Indian Penal Code and 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He is in custody since 12.04.2021.

Learned counsel for the appellant submits that as per the prosecution story when the police party raided the house of the appellant they found some empty bottles of liquor and on that ground they had arrested the appellant and were taking him to the police station, in the meantime, 16 named accused and 15-20 unnamed

accused assembled lashed with weapons, lathi-danda and they surrounded police party and abused them. They abused the Chowkidar and in the scuffle the Chowkidar and one member of the police party got injured and they forcibly got the appellant free from the hand of the police party.

Learned counsel for the appellant submits that it is a case of false implication of the appellant alleging that empty bottles were recovered from his house. It is submitted that a seizure list has been prepared in which two persons who do not belong to the village of the appellant has been shown as seizure list witness.

Learned counsel further submits that there is no specific allegation against the appellant of causing assault to any of the members of the police party. There was no reason for the police party to raid the house of the appellant because the appellant has got no criminal antecedent and in course of raid also no drop of liquor has been recovered.

Learned Special P.P. for the State has opposed the prayer for bail of the appellant. It is submitted that in the scuffle which took place on the arrest of this appellant, three members of the police party got injuries which are said to be simple in nature.

Considering the facts and circumstances of the case, there being no specific allegation of causing assault against this appellant, the appellant has got no criminal antecedent and is in custody in connection with this case since 12.04.2021, investigation against him

is complete, let the impugned order be set-aside and the appellant above-named 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 1st Additional Sessions Judge – cum – Special Judge, Araria in connection with Spl. (SC/ST) Case No. 40/21 arising out of Palasi P.S. Case No. 54/2021, 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)

Rajeev/-

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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'.