

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3300 of 2021**

Arising Out of PS. Case No.-29 Year-2021 Thana- BAHADURPUR District- Darbhanga

Chunnu Singh, Son of Anil Kumar Singh @ Anil Singh, R/O Village- Ojhaul,
P.S.- Bahadurpur, District- Darbhanga

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Kedar Jha, Advocate

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

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

2 17-08-2021 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. Binay Krishna, learned Special P.P. for the State.

Appellant in the present case is seeking to set aside the order dated 19.03.2021 passed by learned Additional Sessions Judge Ist -cum-Special Judge, Darbhanga in connection with Bahadurpur P.S. Case No. 29 of 2021 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 341, 307, 436, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act whereby and whereunder his prayer for regular bail was rejected.

As per the prosecution story, when the informant opened his shop then brother of appellant came there and abuse him calling his caste name and on protest began to fray. When the informant sought hulla, some villager and his family members came there. Thereafter, father of the appellant and all accused persons set fire on his shop after sparkling petrol.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel submits that there are general and omnibus kinds of allegations against several named and 10-15 accused persons. No specific overt act has been alleged against this appellant and the appellant has remained in custody since 21.01.2021. The appellant has got two criminal antecedents as stated in paragraph '3' in which his prayer for bail is still pending.

Mr. Binay Krishna, learned Special P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein general and omnibus kind of allegations have been made against several named and 10-15 unnamed accused

persons, no specific overt act has been alleged against this appellant and the appellant has remained in custody since 21.01.2021, he has got two criminal antecedents as stated in paragraph '3' in which his prayer for bail is still pending, so far as the present case is concerned, this Court sets aside the impugned order and directs release of the appellant above named 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 Ist -cum-Special Judge, Darbhanga in connection with S.C.S.T. G.R. No. 19 of 2021 arising out of Bahadurpur P.S. Case No. 29 of 2021, 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)

vats/-

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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'.