

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1945 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

PRANAV KUMAR JHA @ MONU Son of Chhotan Lal Jha Resident of
Village - Sanha (Purab), P.S.- Sahebpur Kamal, Distt.- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arjun Prasad,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2021 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 03.07.2020 passed by learned Special Judge SC/ST (POA), Begusarai in connection with S. Kamal P.S. Case No. 19 of 2020 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 by which regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per the prosecution story, while the informant with his brother was returning from his work place in the way accused persons named in the FIR intercepted them and indulged in abuse and assault. There is allegation of firing also.

Learned counsel submits that the allegation of firing is



palpably false as no one has received any fire-arm injury. It is submitted that there is a general and omnibus allegation of abuse and assault. The appellant is in custody since 09.06.2020.

Learned Spl.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 it is the submission of learned counsel for the appellant that the appellant's side as well as the informant are co-villagers and the dispute has arisen on account of a Village rivalry, although the allegation is that of firing but no firearm injury has been caused and Mr. Binay Krishna, learned Spl.P.P. for the State admits to the extent that no firearm injury has been found, appellant has remained in jail for over eight months, investigation against him is complete and the trial is not likely to be concluded in near future.

Let the impugned order be set aside.

Let the appellant above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Spl. Judge SC/ST (POA), Act, Begusarai in connection with S. Kamal P.S. Case No. 19 of 2020 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

