

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3296 of 2021**

Arising Out of PS. Case No.-138 Year-2018 Thana- AGIAON District- Bhojpur

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SUNNY KUMAR, Son of Halchal Dom @ Raj Kumar Ram, Resident of
Village- Agion, P.S.- Agion (G), District- Bhojpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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**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 Mr.Binay Krishna,

learned Special P.P. for the State.

Appellant in the present case is seeking to set aside the

order dated 12.07.2021 passed by learned Additional Sessions Judge-

Ist -cum-Special Judge, SC/ST, Bhojpur, Ara in connection with B.P.

No. 2145 of 2021 arising out of Agion (Garahani) P.S. Case No. 138

of 2018 registered for the offences punishable under Sections 302/34

of the Indian Penal Code whereby and whereunder his prayer for

regular bail was rejected. He is in custody since 04.04.2021.

Learned counsel for the appellant submits that in this case

as per the prosecution story altogether nine named accused persons

had assaulted the father of the informant. He succumbed to his injuries and died. The appellant is named one among the nine named accused persons, however, the allegations are general and omnibus.

Learned counsel further submits that considering the general and omnibus kind of allegations, the learned coordinate Bench of this Court granted bail to Mahendra Dom in Cr. Misc. No. 45662 of 2019 and another learned coordinate Bench allowed bail to co-accused Sunil Dom in Cr. Misc. No. 77946 of 2019.

Learned counsel submits that the appellant has otherwise no criminal antecedent.

Mr. Binay Krishna, learned Special 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, the general and omnibus kind of allegations and that the co-accused have been granted privilege of regular bail by learned coordinate Benches of this Court, 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, SC/ST, Bhojpur, Ara in connection with B.P. No. 2145 of 2021 arising out of Agion (Garahani) P.S. Case No. 138 of 2018, 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)

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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'.