

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3294 of 2021**

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

PANKAJ CHOUDHARY S/O SURESH CHOUDHARY R/o village-
Pokharia Rai, P.S.- Chanpatia, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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

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

3 21-09-2021 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 learned Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 07.06.2021 passed in Chanpatia P.S. Case No.140 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 354, 427, 307, 448, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)/3(2)(v)(va) of the SC/ST Act and Section 27 of the Arms Act, later on Section 302 I.P.C. was also added by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST POA Act), Bettiah, West Champaran whereby and whereunder the prayer for bail of the appellant has been rejected.

The appellant is in custody since 18.12.2020. He has got

four criminal antecedents out of which in one case he is on bail whereas his prayer for bail is pending in the three cases.

As per the prosecution story, all the FIR named accused persons including this appellant and 20-25 unknown persons came at the house of the informant on 05.04.2020 at about 7.00 pm variously armed with gun, farsa, iron rod, Bhala and abused him by taking his caste name. It is alleged that co-accused Sk.Sabir and Pankaj Chaudhary fired from their guns which hit the arm of Dhodha Ram. The co-accused Sikandar and Laddu assaulted one Sunil Ram by means of farsa on his head.

Learned counsel for the appellant submits that so far as causing assault on the deceased Sunil Ram is concerned, there is no allegation against the appellant. The specific allegation of assaulting Sunil Ram is against co-accused Sikandar and Laddu. He submits that so far as the case of this appellant is concerned, he stands on similar footing with the co-accused who has been granted bail by a learned coordinate bench of this Court in Cr.Appeal (SJ) No.78 of 2021

Mr. Binay Krishna, learned Spl. P.P. for the State has categorically submitted that he cannot distinguish the case of this appellant with that of the co-accused who has been granted bail.

Considering the facts and circumstances of the case since the petitioner is similarly situated with the co-accused who has been granted bail by a learned coordinate bench of this Court and no injury

report of Dhodha Ram has been brought to the notice of this Court, 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST POA Act), Bettiah, West Champaran in connection with Chanpatia P.S. Case No.140/2020, 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'.