

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3454 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- SINGHIYA District- Samastipur

THAKKO SAH Son of Dhogal Sah Resident of Village- Lilhaul, P.S.-
Singhia, District- Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 3462 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- SINGHIYA District- Samastipur

1. LALAN SAH Son of Dhogal Sah Resident of Village- Lilhoul, P.S.- Sighia
and District- Samastipur.
2. Dilkhush Sah Son of Lalan Sah Resident of Village- Lilhoul, Police Station-
Sighia and District- Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3454 of 2021)

For the Appellant/s : Mr.Vinay Kumar Mishra,Advocate

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

(In CRIMINAL APPEAL (SJ) No. 3462 of 2021)

For the Appellant/s : Mr.Rama Nand Poddar,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-10-2021 Heard learned counsel for the appellants in both the

appeals and Mr. Binay Krishna, learned Spl.P.P. in Cr. Appeal

(SJ) No. 3454 of 2021 and Mr. Sadanand Paswan, learned

Spl.P.P. for the State in Cr. Appeal (SJ) No. 3462 of 2021.

The appellants in both the appeals are seeking setting
aside of the impugned orders passed by 1st Additional Sessions
Judge-cum-Special Judge (SC/ST) Act, Samastipur rejecting



their prayer for regular bail in connection with Singhia P.S. Case No. 157 of 2020 registered for the offences punishable under Sections 307, 323, 324, 325, 341, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)/3(i)(s) of SC/ST Act.

The sole appellant in Cr. Appeal (SJ) No. 3454 of 2021 is in custody since 24.04.2021 whereas two appellants in Cr. Appeal (SJ) No. 3462 of 2021 are in custody since 27.05.2021. The appellants have no criminal antecedent.

Learned counsel for the appellants submits that from the First Information Report itself it would appear that the son of the informant had gone to the house of one Rameshwar Sah at the instance of co-accused Dilip Kumar.

As per the prosecution story, the co-accused Dilip Kumar had some affair with the daughter of Rameshwar Sah and they were thinking to marry each other. As per allegations, Rameshwar Sah had called Dilip Kumar and Dilip Kumar had taken with him the son of the informant Sandesh Raj and another friend, namely, Munnu Sharma. It is alleged that the son of the informant was assaulted there at the house of Rameshwar Sah and he suffered critical injuries.

Learned counsel submits that so far as these appellants are concerned, they are though named in the First



Information Report at serial nos. 2, 4 and 12 respectively but there is no specific allegation against them. According to him, these appellants have been made accused on mere suspicion because they happen to be the family members of Rameshwar Sah.

Mr. Binay Krishna, learned Spl.P.P. and Mr. Sadanand Paswan, learned Spl.P.P. for the State in both the appeals have opposed the prayer for bail of the appellants. In course of submissions however on the query made by this Court learned Spl.P.P. have informed that in the case diary there is no material specifically indicating that these appellants had caused assault.

Considering the facts and circumstances of the case wherein, though these appellants are named in the FIR and they are among 12 accused persons named in the First Information Report but there is no specific material against them pointing out commission of any overt act, this Court sets aside the impugned order and directs release of the appellants above named on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, (SC/ST) Act, Samastipur in connection with Singhia P.S. Case No. 157 of 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

Both the appeals stand allowed.

(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'.

