

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.349 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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ABDUL SALAM Son of Abdul Wahid Resident of Village - Atardah, P.S. -
Sadar, Dist. - Muzaffarpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Kumari Sujata Sinha,Advocate

For the Respondent/s : Mr.Akhileshwar Dayal,APP

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

2 10-03-2021 Learned counsel for the appellant undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr.
Akhileshwar Dayal, learned APP for the State.

The appellant in the present case is seeking set aside
of the order dated 14.09.2020 in Sadar SC/ST P.S. Case No.
404 of 2020 passed by learned Additional Sessions Judge, III-
cum-Special Judge SC/ST Act, Muzaffarpur whereby and
whereunder the prayer for bail of the appellant registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
326, 307 & 302 of the Indian Penal Code has been rejected.

Learned counsel for the appellant submits that as per
the prosecution story, all the FIR named accused persons



including this appellant having armed with deadly weapons came and started abusing the sons of the informant. Co-accused Md. Jahangir assaulted Rameshwar Ram cousin brother of informant by means of knife and also assaulted Munil Ram the elder son of the informant, as a result of which both of them sustained injury and during course of treatment Munil Ram died.

Learned counsel submits that the allegation of assault is against other co-accused Md. Jahangir. It is submitted that no specific overt act has been alleged against this appellant. He is in custody since 25.07.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the appellant but has accepted that there is no specific allegation of causing assault against this appellant.

Having regard to the facts and circumstances of the case, wherein the submission of learned counsel for the appellant that there is no specific allegation against this appellant has not been controverted by learned APP for the State and it has been informed to this Court that the main allegation is against Md. Jahangir, co-accused Md. Rafid Ansari has been granted privilege of regular bail by a learned Co-ordinate Bench



of this Court in Cri. Appeal (SJ) No. 1095 of 2021, let the impugned order be set aside.

Let the appellant above named be released 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, III-cum-Special Judge SC/ST Act, Muzaffarpur in connection with Sadar SC/ST P.S. Case No. 404 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(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'.

