

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.88 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- THAWE District- Gopalganj

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SUNIL PRASAD Son of Rmayan Bhagat Resident of Village- Gopalpur, P.S.-
Thawe, District- Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajesh Ranjan, Advocate
For the State	:	Mr.Binay Krishna, Spl.PP
For the Informant	:	Mr. Dharmveer, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 08-07-2021 Heard learned counsel for the appellant, learned A.P.P.

for the State and learned counsel for the informant.

Appellant, in the present case, is seeking setting aside order dated 05.09.2020 passed by learned 1st Additional District & Sessions Judge, Gopalganj in connection with Trial No. 94/2020 arising out of Thawe P.S. Case No. 122 of 2020 registered for the offences punishable under Section 147, 148, 149, 341, 323, 307, 504, 506 and 325 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution story, the informant alleged that on 09.07.2020 when her husband had gone at the house of Hari Kishore Prasad to demand his labour charge for crop farming,



Hari Kishore Prasad denied and an argument took place, thereafter Hari Kishore Prasad started abusing her husband and on protest the husband of the informant was assaulted on his head by means of Lathi and he fell down in unconscious condition. It is further alleged that all the F.I.R. named accused persons including this appellant assaulted her husband with Lathi, Danda, Bhala, Talwar and country made pistol.

Learned counsel for the appellant submits that appellant has been falsely implicated in this case. Learned counsel submits that the husband of the informant died during the course of treatment and there is no allegation against the appellant of causing any assault to the deceased, however appellant is in custody since 11.07.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, wherein the specific allegation of causing assault upon the husband of the informant is against co-accused Hari Kishore Prasad, so far as this appellant is concerned, he is named one amongst the 14 named persons in the F.I.R. and there are general and omnibus allegations against all of them, no specific



weapon has been attributed in the hand of this appellant and the appellant has remained in jail in connection with the present case since 11th July, 2020, investigation against him is complete but the trial is not likely to be taken up in near future, the appellant has otherwise no criminal antecedent, this Court sets-aside the impugned order and directs release of the appellant above-named 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 1st Additional District & Sessions Judge, Gopalganj in connection with Trial No. 94 of 2020 arising out of Thawe P.S. Case No. 122 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

