

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3627 of 2021**

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

JITENDRA MAHTO @ JITENDRA KUMAR, S/o- Krishna Mahto, Resident
of Village- Rasulpur, P.S.- Punpun, District- Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

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

2 13-09-2021 Heard learned counsel for the appellant and Mrs.Usha
Kumari 1, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 05.08.2021 passed in Special Case No. 147 of 2021 arising out of Punpun P.S. Case No. 123 of 2021 registered for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes Act by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that from the First Information Report itself it would appear that the allegations have been made against 13 named and 10 unknown persons of

village Rasulpur, saying that all of them had assembled and assaulted the father of the informant causing grievous injuries to him as a result whereof he died.

Learned counsel submits that the allegations are that of a fight between the villagers of two different villages. The informant does not claim himself an eye witness to the alleged occurrence. F.I.R. has been lodged on the next day and there is no specific allegation much less any overt act has been alleged against this appellant. It is further pointed out that in the nature of the materials on the record a learned coordinate Bench of this Court has while hearing Cr. Appeal (SJ) No. 3110 of 2021 considering the prayer for pre-arrest bail of the two named co-accused granted provisional bail to them vide order dated 26.08.2021.

Mrs. Usha Kumari 1, learned Special P.P. for the State has though opposed the prayer for bail of the appellant but considering that in the F.I.R. itself there are general and omnibus allegations against a large number of persons but there is no specific allegation against this appellant, the appellant is in custody for over three months and investigation against him is complete, 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 District and Sessions Judge-III-cum-Special Judge,
SC/ST, Patna in connection with Special Case No. 147 of 2021
arising out of Punpun P.S. Case No. 123 of 2021, 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.

This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.