

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.255 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- KALYANPUR District- Samastipur

SAGUN RAI S/o Nathuni Rai Village-Kamopur, P.S.-Khanpur, District-Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Kumar Rajeev, Advocate

For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

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

3 07-04-2021 Heard learned counsel for the appellant and Ms. Usha Kumari, Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 30.09.2020 passed in Kalyanpur P.S. Case No. 120 of 2020 registered for the offence punishable under Sections 302, 201, 120(B) of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act by learned Special Judge (SC/ST), Samastipur whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the accused persons are alleged to have been indulged in murder and throwing the dead body of informant's husband beside the road with an intention to dupe the money of the informant's husband.

Learned counsel submits that the appellant is innocent



and has falsely been implicated in this case. Learned counsel submits that initially when the F.I.R. was lodged the wife of the deceased alleged that co-accused Ram Kalesh Rai and Shambhu Paswan had got executed a sale deed from the deceased in respect of a land of one katha each but they had not paid the money, it is for this reason when the money was demanded by her husband he has been murdered and his dead body was left near the road. The appellant is not named in the F.I.R., he had not purchased any land from the deceased rather the appellant had purchased a piece of land from the brother of the deceased and the name of the appellant has been brought within the purview of the investigation of this case two months after the alleged occurrence on the basis of the statement of the sister of Lal Babu Paswan. The appellant is in custody since 19.08.2020.

Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellant that initially when the F.I.R. was lodged the wife of the deceased alleged that co-accused Ram Kalesh Rai and Shambhu Paswan had got executed a sale deed from the deceased in respect of a land of one katha each but they had not paid the money, it is for this reason when the money was demanded by her husband he



has been murdered and his dead body was left near the road, the submission that the appellant is not named in the F.I.R., he had not purchased any land from the deceased rather the appellant had purchased a piece of land from the brother of the deceased, the name of the appellant has been brought within the purview of the investigation of this case two months after the alleged occurrence on the basis of the statement of the sister of Lal Babu Paswan, further submission that the name of the appellant has been taken two months after the alleged occurrence on mere suspicion and that the co-accused Ram Kalesh Rai has been enlarged on bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1119 of 2021, the appellant has remained in jail over six months, investigation against him is complete and there is no submission on behalf of the State that release of the appellant is likely to result in tampering with evidence or interfering with the course of trial, this Court sets-aside the impugned order.

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 1st Additional Sessions Judge, Samastipur in connection with Kalyanpur P.S. Case No. 120 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.

This appeal stands disposed of.

(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'.

