

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.160 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- DULHIN BAZAR District- Patna

DINESH KUMAR @ DINESH MAHTO S/o Sri Ram Pawan Mahto Resident
of Village- Lala Bhadsara, P.S.- Dulhin Bazar, Distt- Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

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

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

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

5 07-07-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 17.09.2020 passed by learned court of Special Judge SC/ST Act, Patna in connection with Special Case No. 262 of 2020, Dulhin Bazar P.S. Case No. 104 of 2020 registered for the offences punishable under Sections 307/302/34/120(B) of the Indian Penal Code and Section 3(1)(v) (s)/2(va) of the SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that as per the prosecution story, when the informant was returning from Dulhin Bazar, three unknown criminals on motorcycle attacked him and opened fire. The informant ran to save his life towards



the house of his mausa Chitranjan Sharma. It is alleged that they fired on the leg of Chitranjan Sharma.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant is a teacher in a government school. It is submitted that similarly situated co-accused have been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 111 of 2021. The appellant is in custody since 28.05.2020.

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 the appellant is a teacher in a government school, he has been falsely implicated in this case and the allegation of firing upon the deceased is made against co-accused Deepak Kumar, the FIR has been lodged with much delay and no independent witness has supported the case against the appellant, the similarly situated accused have been granted privilege of bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 111 of 2021, learned Spl.P.P. for the State admits that the case of the appellant is similarly situated, in



these circumstances, this Court sets aside the impugned order and directs release of the appellant above name 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 Special Judge SC/ST (POA) Act, Patna in connection with Special Case No. 262 of 2020, Dulhin Bazar P.S. Case No. 104 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The appeal stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

