

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.223 of 2021**

Arising Out of PS. Case No.-549 Year-2019 Thana- DANAPUR District- Patna

CHANDAN KUMAR Son of Amar Prasad Resident of Village - Nasriganj,
P.S. - Danapur, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary, Adv.

For the Respondent/s : Ms.Usha Kumari No.1, Spl. P.P.

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

2 26-02-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned Spl. P.P. for the State.

Appellant, in the present appeal, is seeking setting aside the order dated 13.10.2020 passed by learned Additional District & Sessions Judge-X-cum-Special Judge, SC/ST Act, Patna in Special Case No.314/2019 arising out of Danapur P.S. Case No.549/2019 instituted for the offence under Sections 307, 341, 323, 504 and 506/37 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r) of the SC/ST Act whereby and whereunder the prayer for regular bail of the petitioner has been rejected.



Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that from the injury report it would not be clear as to on which part of the body the injury has been caused and it is stated both 'simple' and 'grievous'.

Learned counsel submits that similarly situated co-accused namely Nepali @ Guddu @ Thathera has been granted bail by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.5120 of 2019 and the appellant has otherwise no criminal antecedent.

Ms. Usha Kumari No.1, learned Spl.P.P. for the State is present and has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case wherein from the injury report it is not clear as to on which part of the body the injury has been caused and it is stated both as 'simple' and 'grievous' and that the submission of learned counsel for the appellant is that the co-accused Nepali @ Guddu @ Thathera has been granted bail by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.5120 of 2019, this appellant is in jail since 26.09.2020, investigation against him is complete and it is not the submission of the State that the release of the



appellant at this stage is likely to result in tampering with the evidence or interfering with the course of trial, the impugned order is hereby 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 District and Sessions Judge-X-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No.314/2019 arising out of Danapur P.S. Case No.549/2019, 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 off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

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'.

