

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.204 of 2021**

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

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1. ASHOK PRASAD SON OF RMAYAN BHAGAT RESIDENT OF VILLAGE GOPALPUR, P.S-THAWE, DISTRICT-GOPALGANJ.
 2. RAMAYAN PRASAD S/O RAM KAILASH BHAGAT RESIDENT OF VILLAGE GOPALPUR, P.S-THAWE, DISTRICT-GOPALGANJ.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Umakant Shukla, Advocate

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

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

2 23-02-2021 Heard learned counsel for the appellants and Ms. Usha Kumari No. 1, learned Spl. P.P. for the State.

The appellants in the present case are seeking to challenge the order dated 20.10.2020 passed by learned 1st Additional District and Sessions Judge, Gopalganj in connection with Thawe P.S. Case No. 122 of 2020 registered for the offences under Sections 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 SC/ST (Prevention of Atrocities) Act, 1989.

By the impugned order prayer for regular bail of the appellants has been rejected.

Learned counsel for the appellants submits that as per



the prosecution story when informant's husband went to demand his labour charge from Hari Kishore Prasad, he denied and started abusing her husband and assaulted her husband on his head with lathi due to which he fell down in an unconscious condition who later on died during the course of treatment and in the post-mortem report cause of death had been mentioned as Hemorrhage and shock due to head and chest injury.

Learned counsel submits that the appellants are innocent and have been falsely implicated in this case. He further submits that there is no specific allegation of causing injury on the appellants rather the specific allegation of assault is against the co-accused Hari Kishore Prasad. Learned counsel submits that the appellants have got no criminal antecedent and they are in custody since 16.10.2020.

Learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellants.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the appellants that the specific allegation of causing assault on the head of the husband of the informant is against co-accused Hari Kishore Prasad, the post-mortem report shows only one injury which has been specifically attributed to the co-accused Hari



Kishore Prasad but altogether 14 persons have been made accused by making general and omnibus kind of allegations, there being no specific allegation attributing any injury to these appellants and the appellants have remained in jail since 16.10.2020, investigation against them is complete and there is no chance of tampering with evidence or interfering with the course of trial, the appellants have otherwise no criminal antecedent, let the impugned order be set aside.

Let the appellants above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Gopalganj in connection with in connection with 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

