

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.208 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- BIKRAM District- Patna

Munna Kumar S/O Ram Vinay Prasad Yadav R/O Village-Danara, P.S.
Bikram, District- Patna, Bihar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shiv Kumar Prabhakar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

3 12-03-2021 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 Special Public Prosecutor for the State.

Appellant, in the present case, is seeking setting aside the order dated 09.10.2019 passed by learned A.D.J. - X – cum – Special Judge, SC/ST Act, Patna in Special Case No. 165/2019 arising out of Bikram P.S. Case No. 115/2019 registered for the offences punishable under Section 147, 148, 149, 341, 323, 354(a)(b), 307, 302, 365 of the Indian Penal Code and 3(i)(r)(s)(w)(1)(2)(Va) SC/ST Act.

As per the prosecution story, in course of sitting in the Tempo an altercation took place between the husband of the informant and the driver of the Tempo. It is alleged that the



accused persons abused her and beat her husband as also torn her blouse and sari. It is further alleged that her husband was seriously injured and he was brought to Bikram Government Hospital from where the husband of the informant was referred to PMCH Patna, and, on 10.04.2019, he succumbed to the injuries in course of treatment, thereafter the present case has been registered.

Learned counsel for the appellant submits that the appellant is quite innocent and has falsely been implicated in this case. Learned counsel submits that the appellant is not named in the First Information Report. Appellant is in custody since 17.09.2020.

Learned Special Public Prosecutor for the State has opposed the prayer for regular 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 this appellant is not named in the First Information Report, though the informant is an eye witness and has specifically named the persons who were in the scuffle and had been assaulting the husband of the informant, the further submission that so far as this appellant is concerned, his name has transpired in the confessional statement of co-accused Rahul



Raj but all the named accused persons against whom there were allegations of assault have already been released on bail by learned coordinate Benches of this Court by various orders enclosed as Annexure '2' series to the present application, submission of learned Spl. P.P. for the State pointing out some of the paragraphs of the case diary stating therein that the independent witnesses have stated that this appellant had in fact tried to save the deceased, there being no other material against the appellant, let the impugned order be set-aside.

Let the appellant above named be released 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 A.D.J. - X – cum Special Judge, SC/ST Act, Patna, in connection with Special Case No. 165/2019 arising out of Bikram P.S. Case No. 115/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

