

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.294 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Nalanda

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ROHIT KUMAR Son of Dashrath Mahto Resident of Village- Barakar, P.S.-
Rajgir, Distt- Nalanda.

... .. Appellant

Versus

1. THE STATE OF BIHAR
2. Samundri Devi W/o Ravindra Choudhary Resident of Village- Barakar,P.S.-
Rajgir, Distt- Nalanda.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr.Mrigendra Kumar,Advocate
For the State	:	Mr.Binay Krishna,Spl.P.P.
For the O.P. No. 2	:	Mr.Prem Kumar,Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 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, learned counsel for the O.P. No. 2 and Mr. Binay Krishna, learned Spl.P.P. for the State.

Learned counsel for the petitioner submits that supplementary affidavit has been filed in this case in which the complete description of paragraph '2' of the application has been provided.

The appellant in the present case is seeking setting aside of the order dated 14.10.2020 passed in SC/ST Trial No. 73 of 2020 arising out of SC/ST P.S. Case No. 22 of 2020



registered for the offences punishable under Sections 147, 447, 341, 323, 354(A), 379, 307, 148, 504, 337, 338, 506 of the Indian Penal Code by the court of learned Additional Sessions Judge-1st-cum Special Judge, Biharsharif, Nalanda. By the impugned order the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the informant in her written report alleged that the accused persons along with 20 to 25 others arrived at her house and indulged in abusing and on protest her husband was assaulted and brutally injured by the accused persons. When the informant's mother-in-law went to rescue she was also assaulted. It is alleged that the accused persons fled away issuing threat and at the time leaving the place of occurrence the appellant fired in air from his pistol.

Learned counsel submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel submits that there is no specific allegation about any abuse and assault against the appellant and no one has sustained firearm injury in this case. The appellant is in jail since 28.09.2020.

Learned Spl.P.P. for the State as well as learned



counsel for the O.P. No. 2 have 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 no overt act has been alleged against the appellant save and except to say that he had fired while fleeing away, further submission that in fact the co-accused of this case have been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 1764 of 2020, the appellant has otherwise no criminal antecedent, he has remained in jail since 28.09.2020, investigation against him is complete and there being no submission on behalf of the State that release of the appellant at this stage is in any way likely to result in tampering with evidence or interfering with the course of trial, 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 Sessions District Judge -1st, Nalanda in connection with SC/ST Trial No. 73 of 2020 arising out of SC/ST P.S. Case No. 22 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.

The application stands allowed.

(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'.

