

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.203 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- BANIAPUR District- Saran

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KRISHAN RAI @ KISAN RAI @ KISHAN KUMAR YADAV Son of
Mishri Lal Rai Resident of Village - Dewalakha Bhithi, P.S.- Baniyapur,
District - Saran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

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

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

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

2 23-02-2021 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 to challenge the order dated 20.10.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST/ (POA) Act, Saran at Chhapra in Baniyapur P.S. Case No. 131 of 2020 registered for the offences under Sections 341, 323/34 and 504 of the Indian Penal Code read with Section 3(i) (s), 3 (2)(iv) of SC/ST Act. By the impugned order prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the allegation against the appellant is that he along with other accused persons came at informant's house and started abusing her and when she protested they assaulted her by fists and slaps. It has further been alleged that in the night, the appellant and other co-accused came at



her house and had set the house on fire due to which the household articles were burnt.

Learned counsel submits that the appellant is innocent and has been falsely implicated in this case. He further submits that there is no specific allegation of abuse and assault on the appellant. Learned counsel submits that the appellant has got no criminal antecedent and he is languishing in custody since 03.10.2020.

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

Having regard to the facts and circumstances of the case, wherein the allegation against the appellant is that he had indulged in causing assault by fists and slaps and the appellant has remained in jail in connection with the present case since 03.10.2020, he has otherwise no criminal antecedent, 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 1st Additional Sessions Judge-cum-Special Judge SC/ST/ (POA) Act, Saran at Chhapra in connection with in Baniyapur P.S. Case No. 131 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 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 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'.

