

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.329 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- SC/ST District- Lakhisarai

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MUNNA SAW Son of Chandrika Sav Resident of Village - Bikrampur, P.S. -
Kajra, District - Lakhisarai.

... .. Appellant

Versus

1. The State of Bihar
2. Prashant Kumar Son of Madan Das Resident of Village - Bikrampur, P.S. -
Kajra, District - Lakhisarai.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 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

Spl. P.P. for the State.

The appellant in the present case is seeking to set

aside the order dated 09.10.2020 passed by learned Additional

District and Sessions Judge-1st-cum-Special Judge Lakhisarai in

connection with Lakhisarai SC/ST P.S. Case No. 29 of 2020

registered for the offences punishable under Sections 341, 323,

379, 504, 506/34 of the Indian Penal Code and Sections 3 (i) (r)

(s) of SC/ST.



Learned counsel for the appellant submits that on 27.06.2020 the informant alongwith his maternal uncle was walking on Urain Road when the petitioner and one co-accused has abused the informant by his caste name and assaulted with fists and slaps and also snatched his wrist watch.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel submits that no article has been recovered from his possession. It is further submitted that the similarly situated co-accused Sanjay Kumar has been granted bail by a learned coordinate Bench of this Court. It is submitted that the appellant has got no criminal antecedent and he is in custody since 24.09.2020.

Mr. Binay Krishna, 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 it is the submission of the learned counsel for the appellant that the appellant has been falsely implicated in the present case, he has surrendered himself in the learned court below on 24.09.2020 and since then he is in custody and a similarly situated accused Sanjay Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Appl. (SJ)



No. 2141 of 2020 and learned Spl. PP for the State has not controverted the submission that the petitioner stands on similar footing, the impugned order is hereby set aside.

Let the appellant 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-1st-cum-Special Judge Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 29 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'.

