

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.152 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- UJIYARPUR District- Samastipur

SHARANJIT SINGH @ DEEPAK S/o Surya Narayan Singh @ Surya Naryan
Singh R/o village- Mahisari, P.S.- Ujiyarpur, District- Samastipur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 665 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- UJIYARPUR District- Samastipur

1. TANUK RAY @ TANKU RAY Son of Late Narsingh Ray Resident of Village - Mahisari, P.S.- Ujiyarpur, District - Samastipur.
2. Raviranjana Ray @ Gorka Son of Sulindar Ray @ Surendra Ray Resident of Village - Mahisari, P.S.- Ujiyarpur, District - Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 152 of 2021)

For the Appellant/s : Mr. Jitendra Narain Sinha, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

For the Informant : Mr. Abhay Shankar Singh, Advocate

(In CRIMINAL APPEAL (SJ) No. 665 of 2021)

For the Appellant/s : Mr. Mahendra Pratap, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

For the Informant : Mr. Abhay Shankar Singh, Advocate

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

5 08-07-2021 Learned counsel for the appellants 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 appellants, learned



counsel for the informant and learned Spl. P.P. for the State.

Appellants in the present case are seeking to set aside the order dated 21.10.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Ujiyarpur P.S. Case No. 254 of 2020 registered for the offences punishable under Sections 302, 307, 323, 42, 504, 506/34 and 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (Amendment 2015) whereby and whereunder their prayer for regular bail was rejected.

As per the prosecution story, the informant has alleged that on 21.08.2020 the F.I.R. named accused persons came at her house and taken away her father-in-law. When the informant protested then co-accused Chhotu Ray had fired upon the chest of the father-in-law of the informant as a result whereof he fell down and when her devar came to save them co-accused Sonu Ray has fired upon him due to which he sustained injuries. The injured were taken to the hospital where the father-in-law of the informant has been declared dead.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this



case. It is further submitted that so far as appellant of Criminal Appeal (SJ) No. 152 of 2021 is concerned there is no specific allegation of assault against him but the appellant no.1 of Criminal Appeal 665 of 2021 is said to be the order giver.

Mr. Abhay Kumar Singh, learned Advocate has entered appearance on behalf of the informant and has opposed prayer for bail of the appellants. It is his submission that in paragraph '76' of the case diary the statement of devar Rupesh Paswan who also died later on has been recorded and in his statement he has alleged that all these accused persons had entered in the house of the informant, however, the specific allegation of assault is against co-accused Chhotu Ray and Sonu Ray. So far as these appellants are concerned, there is no specific allegation of assault against them. So far as appellant of Criminal Appeal (SJ) No. 152 of 2021 is concerned there is no specific allegation of assault against him but the appellant no.1 of Criminal Appeal (SJ) No. 665 of 2021 is concerned, he is said to be the order giver and there is no specific overt act against the appellant no.2.

Learned Spl. P.P. for the State 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 learned counsel for the appellants that the specific allegation of assault upon father-in-



law of the informant is against co-accused Chhotu Ray who had allegedly fired upon the chest of the father-in-law of the informant as a result whereof he fell down, the fire-arm injury to the devar Rupesh Paswan has been attributed to co-accused Sonu Ray, so far as the appellant of Criminal Appeal (SJ) No. 152 of 2021 is concerned it is alleged that he was also present there but no overt act has been alleged against him and the appellant no. 1 of Criminal Appeal No. (SJ) 665 of 2021 is said to be the order giver, the appellants have remained in jail in connection with this case since 25.08.2020 and 27.08.2020 respectively, investigation against them is complete but the trial is not likely to be taken in near future, they have otherwise no criminal antecedent, in the circumstances this Court is inclined to interfere with the impugned order. The impugned order is, thus, set aside and this Court directs release of the appellants above named of both the cases on bail on furnishing 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 Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Ujiyarpur P.S. Case No. 254 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 appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

This 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'.

