

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.327 of 2021**

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

SALIM MIYAN FATHER ISS MOHAMMAD MIYAN RESIDENCE OF
VILLAGE-POKHARIYA RAI AMBEDKAR NAGAR, P.S-CHANPATIYA,
DISTRICT-WEST CHAMPARAN.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

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

For the Respondent/s : Mr. Binay Krishna, Spl. PP

**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 12.10.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No. 140 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 302, 354, 427, 307, 448, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) (i)/3 (2) (v) (va) SC/ST and



Section 27 of the Arms Act.

Learned counsel for the appellant submits that as per the prosecution story all the F.I.R. named accused including this appellant and other 20-25 unknown abused the informant and others by their caste name and assaulted them with rod and bhala. Co-accused Sikandar and Laddu hit Sunil Ram (deceased) by means of pharsa on his head and had misbehaved with the ladies of the house.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation against this appellant and the allegations are general and omnibus in nature. It is further submitted that the similarly situated co-accused have been granted bail by learned coordinate Benches of this Court.

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 there is no specific allegation against this appellant, he has been named one amongst the 10 persons named in the F.I.R. and 20-25 unnamed persons, the allegations



are general and omnibus and further submission which has not been controverted by the learned Spl. P.P. for the State that co-accused similarly situated have been granted privilege of bail in Cr. Appl. (SJ) No. 78 of 2021 and Cr. Appl. (SJ) No. 403 of 2021, 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 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No. 140 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'.

