

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.271 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- DIDARGANJ District- Patna

ANIL @ ANIL KUMAR Son of Vishun Rai @ Vishundev Ray Resident of Mohalla Didarganj, Dharmshala Checkpost, Police Station- Didarganj, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. VIGAN DAS Son of Vishun Ray Resident of Mohalla- Didarganj, Dharmshala Checkpost, P.S.- Didarganj, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-08-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the appellant and learned Spl.P.P. for the State.

The appellant has filed the instant appeal against the order dated 09.12.2021 passed by learned Additional Sessions Judge III, Patna-cum-Special Judge, SC/ST, Patna, whereby and whereunder prayer for bail of the appellant in connection with Didarganj P.S. Case No. 255 of 2020 corresponding to Special Case No. 501/2020 registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code read with Sections 3(i)(s), 3(ii)(v) and 3(ii)(va) of the SC/ST (PoA)



Act and under Section 27 of the Arms Act.

As per prosecution case, on the order of present appellant co-accused Sunil made firing upon the informant which hit on thigh of the informant.

Learned counsel for the appellant submits that appellant is in custody since 09.09.2021. Appellant bears criminal antecedent of one case. Charge-sheet has already been submitted in the present case and there is no likelihood of tampering with the prosecution evidence. There is no overt-act attributed to the present appellant and there is specific allegation of firing is against the co-accused Sunil.

Learned Spl.P.P. vehemently opposes the prayer for bail of the present appellant.

Considering the facts and circumstances of the present appeal as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, the Court is inclined to allow the instant appeal. The appeal is allowed and the impugned order is hereby set aside and accordingly, the appellant is directed to be enlarged on bail in connection with Didarganj P.S. Case No. 255 of 2020 corresponding to Special Case No. 501 of 2020 on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, III-cum-Special Judge, SC/ST, Patna subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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