

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.557 of 2022

Arising Out of PS. Case No.-106 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champaran

CHHOTAN SINGH S/o Memo Singh @ Nema Singh R/o village- Basat Pur,
Babu Tola, P.S.- Muffasil (Motihari), District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Paswan S/o Khajana Paswan R/o village- Basat Pur, Babu Tola,
P.S.- Muffasil (Motihari), District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Res. No. 2	:	Mr. Dhananjay Kumr No.2, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 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. PP for the State.

The appellant has filed the instant appeal against the
order dated 13.01.2022 passed by the learned 3rd Additional
Sessions Judge cum Special Judge SC/ST, East Champaran,
Motihari whereby the prayer for bail of the appellant in
connection with Muffasil P.S. Case no. 106/2016 registered
under sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302,
447, 504 of the Indian Penal Code and Sections 3(1) (X) of the
SC / ST Act was rejected.

As per allegation in the FIR, the accusation against



the appellant and others caught the father of the informant. The another allegation against the appellant and others assaulted to Ilaychi Devi.

It is submitted by learned counsel for the appellant that the allegations as alleged in the FIR are false and concocted. There is no specific allegation against the appellant and allegation is general and omnibus in nature. The appellant is in custody since 24.12.2021 and investigation in the case has concluded and has no criminal antecedent. Co-accused, Sujani Singh @ Shiv Shankar Singh, Kundan Singh, Bhim Singh, Guddu Singh and Jagat Singh have already granted bail by different co-ordinate Benches of this Court vide Cr. Appeal (S.J.) No. 3318/2021, Cr. Appeal (S.J.) No. 3275/2019, Cr. Appeal (S.J.) No.886/2017 and Cr. Misc. No.32917/2016 respectively, which has been annexed as Annexure-2 Series of the bail petition. The case of present appellant stands on better footing.

The appeal is opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation and the period in custody, the



Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 13.01.2022 passed by the learned 3rd Additional Sessions Judge cum Special Judge SC/ST, East Champaran, Motihari is set aside.

The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case no. 106/2016 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 3rd Additional Sessions Judge cum Special Judge SC/ST, East Champaran, Motihari: 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 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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