

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1126 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

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1. Pawan Mahto @ Pawan Kumar @ Baban Kumar @ Baban S/O Bhagat Jee @ Sri Suresh Mahto Resident Of Village- Rasulpur, P.S.- Punpun, District-Patna
 2. Gopi Mahto W/O Bhagat Jee @ Sri Suresh Mahto Resident Of Village-Rasulpur, P.S.- Punpun, District-Patna
 3. Fekan Kewat @ Fekan Kumar @ Nitish Kumar @ Fekan Mahto S/O Shyam Bihari Kewat @ Shyam Bihari Mahto Resident Of Village- Rasulpur, P.S.- Punpun, District-Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nawal Kishore Prasad
	:	Mr. Kamlesh Kumar
	:	Mr. Kahkashan Alam
	:	Mr. Jay Ram Ram
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant/s	:	Mr. Deepak Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 16-11-2022 Heard Ld. counsel for the appellants and Ld.
Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the



appellants on bail, impugning the order dated 16.02.2022, passed by the learned Special Judge, SC/ST, Patna, passed in Special Case No. 147 of 2021, arising out of Punpun P.S. Case No. 123 of 2021, whereby bail has been denied to the appellants.

The prosecution case as emerges from the FIR is that the appellants along with their associates assaulted the father of the informant, namely, Shiv Pujan Paswan by means of lathi, danda and other weapons, resulting into his death.

The learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that the allegation against the appellants is general and omnibus in nature. He also submits that the appellants were not arrested on the spot.

The appellants have been languishing in custody since 18.01.2022, 04.01.2022 and 24.12.2021 respectively.

It is also stated in paragraph no. 2 of the appeal that the appellants have earlier moved before this Court for



anticipatory bail vide Cr. Appeal (SJ) No. 4179 of 2021 (SC/ST), which was withdrawn on 08.03.2022.

It has further been stated in paragraph no. 3 that the appellants have no criminal antecedents.

Learned Special Public Prosecutor for the State and Ld. Counsel for the informant contest the prayer of the appellants for bail submitting that the alleged offence is very serious in nature.

However, considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 16.02.2022, passed by the learned Special Judge, SC/ST, Patna and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, SC/ST, Patna, arising out of Punpun P.S. Case No. 123 of 2021, on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when required.



(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellants have any criminal antecedent, the learned court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bonds of the appellants.

The appeal stands allowed accordingly.



The learned counsel for the appellants is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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