

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1140 of 2022

Arising Out of PS. Case No.-505 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. Madhu Ram @ Meghu Ram @ Amit Kumar @ Amit Ram Son Of Late Devendra Ram Resident Of Village- Runnisaidpur Ward No.10, P.S.- Runnisaidpur, District- Sitamarhi.
2. Raja Kumar S/o Ajay Mahto Resident of Village- Runnisaidpur Ward No.10, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nathuni Paswan S/o Ramashray Paswan Resident of Village- Runnisaidpur Ward No.10, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna
For the Informant/s	:	Mr. Santosh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 30-11-2022 Heard Ld. counsel for the appellants and Ld.

Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 08.03.2022, passed by the Ld. 1St Additional Sessions Judge-cum-Special Judge S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi, arising out of Runnisaidpur P.S. Case No. 505 of 2021, whereby bail has been denied to the appellants.

The prosecution case as emerging from the FIR is



that one Bhushan Kumar, son of the informant was found to be dead and hence, the informant/father has lodged the FIR making claim that someone has killed him.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that appellants are not named in the FIR. He also submits that investigation is complete and charge-sheet has already been submitted and even after submitting that there is no tangible or legally cogent material to connect the accused appellants with the alleged offence because even in the case-dairy there is only so-called confessional statement before the police of the accused appellant.

The appellants have been languishing in jail since 19.10.2021 and 21.10.2021, respectively.

It is also stated in paragraph no. 2 of the petition that the appellants have not moved earlier before this Court for grant of anticipatory bail or regular bail.

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



However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 08.03.2022, passed by the Ld. 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi , 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. 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi in connection with Runnisaipur P.S. Case No. 505 of 2021, **after framing of charge, if not already framed** on the following conditions:

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

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The appellant 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.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his 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 bond of the appellant.

The appeal stands allowed accordingly.

learned counsel for the appellant 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)

ramesh/-

U		T	
---	--	---	--

