

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1660 of 2022

Arising Out of PS. Case No.-73 Year-2019 Thana- PANAPUR District- Saran

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Satyendra Singh @ Satendra Singh Son Of Late Ramjee Singh @ Ramji Singh Resident Of Village - Dhanauti, P.S.- Panapur, Distt.- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Shailendra Sharma R/O Village-Dhanauti, P.S.-Panapur, District-Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ram Binod Singh
	:	Mr. Bindhaychal Singh
For the Respondent/s	:	Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 30-11-2022 As per the office report, the notice has already

been served upon the informant/Respondent No. 2.

However, nobody appears on behalf of the

informant.

Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the



appellant on bail, impugning the order dated 31.03.2022, passed by the Ld. Court IIIrd, Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chhapra , arising out of Panapur P.S. Case No. 73 of 2019, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that when the informant along with her family members was sitting in her hut, the appellant along with two other persons abruptly entered into her hut and abused her in the name of her caste and also assaulted her.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is implicated in this case only on account of previous enmity and land dispute. He also submits that the allegation of using caste words has not been made in public view. He further submits that investigation is complete and charge-sheet has been submitted, though charge has not been framed. He further submits that other accused persons, namely, Jagnarayan Singh and Ramjee Singh have already been enlarged on bail



by a co-ordinate Bench of this Court vide order dated 19.09.2019 passed in Cr. Appeal (SJ) No. 3078 of 2019.

The appellant has been languishing in jail since 22.09.2021.

It is also stated in paragraph no. 2 of the petition that the appellant has preferred an appeal bearing Cr. Appeal (SJ) No. 3078 of 2019 for grant of anticipatory bail before this Court which was heard and rejected vide order dated 19.09.2019 passed in Cr. Appeal (SJ) no. 3078 of 2019. Again the appellant has preferred an appeal bearing Cr. Appeal (SJ) No. 4900 of 2021 for grant of anticipatory bail before this Court, which was heard and dismissed as withdrawn vide order dated 29.03.2022 passed in Cr. Appeal (SJ)No. 4900 of 2021.

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

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail submitting that the appellant is the main accused.



Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 31.03.2022, passed by the Ld. Court IIIrd, Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chhapra , 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. Court IIIrd, Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chhapra in connection with Panapur P.S. Case No. 73 of 2019, **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.

(vi) The other accused persons, who have been granted bail, are also directed to cooperate in framing of charge, otherwise their bail bonds shall be cancelled.

The appeal stands allowed accordingly.

The 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)

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