

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1796 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- NAUGACHIA District- Bhagalpur

SAURAV KUMAR SON OF HIRA LAL PODDAR R/O- VILL-
BHAVANIPUR, P.S- RANGRA (NAUGACHIA), DIST.- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. Leelma Devi Wife of Late Dinbandhu Harijan Resident of village-Nagrah
Bard no-07,P.S-Naugachia,District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 23-11-2022 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

This criminal appeal has been filed for enlargement

of the appellant on bail, impugning the order dated
27.04.2022, passed by the learned Additional Sessions
Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur, arising
out of Naugachia P.S. Case No. 440 of 2021, whereby bail
has been denied to the appellant.

The prosecution case as emerging from the FIR is

that the informant's daughter got information that her
brother, namely, Krishna Kumar has been murdered. On that



information, informant along with her daughter went to the place of occurrence and found that her son Krishna Kumar @ Krishna Kumar was lying dead. She has claimed that the named accused Kanik Lal Yadav and some unknown persons have killed her son.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. However, he is not named in the FIR. As a matter of fact, one Anjali Devi, who is the sister of the deceased has dragged the name of the appellant in this case without any evidence. He further submits that similarly situated co-accused, namely, Rahul Yadav has already been enlarged on bail vide order dated 19.10.2022 passed in Cr. Appeal (SJ) No. 1878 of 2022.

The appellant has been languishing in jail since 16.02.2022.

It is also stated in paragraph no. 2 of the petition that the appellant has 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 appellant has earlier been made accused in other two cases.

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

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 27.04.2022, passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur, 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 learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur, in connection with Naugachia P.S. Case No. 440 of 2021 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.

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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