

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2241 of 2022**

Arising Out of PS. Case No.-97 Year-2022 Thana- KURTHA District- Jehanabad

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Ram Jatan Yadav Son Of Late Raj Nandan Yadav R/O Village- Chamandi,
P.S.- Kurtha, Distt.- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Paswan Son Of Jagnarayan Paswan R/O Village- Chamandi, P.S.-
Kurtha, Distt.- Arwal

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 17-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Vide order dated 03.11.2022, it transpires that the
service of notice has been validly served upon respondent no. 2.

The present appeal is being filed in against the
order dated 28.05.2022 passed in Kurtha P.S. Case No. 97 of
2022 by the Court of Learned Addl. District & Sessions Judge –
1st – Cum – Spl. Judge SC/ST Act, Jehanabad, whereby and
whereunder the regular bail application preferred by the
appellant has been rejected, who is in custody since 19.04.2022

for offences lodged under Sections 147, 148, 149, 448, 323, 379, 307, 504, 506/34 of the I.P.C. and Section 3(1)(r)(s)/ 3(2) (va) of the SC/ST (POA) Act, pending in the Court of Learned Addl. Sessions Judge – 1st – Cum – Spl. Judge SC/ST Act, Jehanabad.

As per the prosecution case, F.I.R. has been filed against 18 named accused persons against whom allegation is that the accused persons came to the house of the informant and asked him to go in the meeting of Thakurbari. Upon denial the accused appellant started assaulting the informant and others. Specific allegation has been made against the appellant is that he has assaulted the informant by iron rod on his head as well as on his right and left hands. Allegation is also upon the other accused persons to assault by *lathi*, *danda*, iron rod along with others and abused in the name of caste.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that appellant is in custody since 19.04.2022 having clean antecedent. Learned counsel for the appellant submits that whatsoever allegation made in the F.I.R. but actually by virtue of supplementary affidavit he has annexed the injury report, by which it has shown that all the injury are simple in nature and

caused by hard and blunt substances, which ultimately falsify the allegation made in the F.I.R.

Learned Spl.P.P. for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge – 1st – Cum – Spl. Judge SC/ST Act, Jehanabad. in connection with Kurtha P.S. Case No. 97 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The appellant shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The appellant shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Accordingly, the order dated 28.05.2022 passed by the Court of Learned Addl. District & Sessions Judge – 1st – Cum – Spl. Judge SC/ST Act, Jehanabad in connection with Kurtha P.S. Case No. 97 of 2022 is hereby set-aside.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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