

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2755 of 2022

Arising Out of PS. Case No.-106 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJ KUMAR SINGH S/o Late Rupdeo Singh @ Rupdev Singh Resident of
Basatpur Babutola, P.S.- Muffasil, Dist- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan

For the Respondent/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-11-2022 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 11.07.2022,
passed by the Ld. 3rd Additional Sessions Judge-cum-Special
Judge (POA) Act, East Champaran, in connection with
Motihari Muffasil P.S. Case No.106 of 2016, whereby bail
has been denied to the appellant.



The prosecution case as emerging from the FIR is that accused persons including the appellant had assaulted the informant's family members with Laathi, Danda, Knife and Bhala etc., due to which the father of the informant died and other persons got injured.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that as per allegation there is multiple stabbing by *Bhala* by alleged accused including the appellant. However, as per the post-mortem report, there was only one stab found, which shows the falsity of the case against the appellant. He also submits that the similarly situated co-accused persons, namely, Jagat Singh, Bhim Singh, Kundan Singh and Chhotan Singh, have already been enlarged on bail by different Benches of this Court, *vide* orders dated 28.10.2016, 07.08.2017, 22.10.2019 and 14.07.2022, passed in Cr. Appeal (SJ) No. 32917 of 2016, Cr. Appeal (SJ) No. 886 of 2017, Cr. Appeal (SJ) No. 3275 of 2019 and Cr. Appeal (SJ) No. 557 of 2022, respectively.

The appellant has been languishing in jail since



25.05.2022.

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

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.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 11.07.2022, passed by the Ld. 3rd Additional Sessions Judge-cum-Special Judge (POA) Act, East Champaran 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. 3rd Additional Sessions Judge-cum-Special Judge (POA) Act, East Champaran in connection with Motihari Muffasil P.S. Case No.106 of 2016, 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 appeal 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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