

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4726 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- SC/ST District- Saran

RAJU RAI Son of Tejan Rai R/o Village- Ajayab Ganj, P.S.- Bhagwan Bazar,
District- Saran (Chhapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Kumar son of Raj Kumar Sah R/O Ajayabganj, P.S.- Bhagwan Bazar,
District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ghanshyam Tiwary

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 14-12-2022 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 21.10.2021, passed by the Ld. A.D.J. 1st cum Spl. Judge SC/ST (POA) Act, Saran at Chhapra in connection with Saran SC/ST P.S. Case No. 48 of 2021, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that there is assault on the head of the alleged victim by the accused-appellant and other co-accused Tejan Rai and



Ranjan Rai.

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 allegation against the appellant is general and omnibus in nature. He also submits that alleged injury as per the medical report is simple in nature. He further submits that Section 307 IPC has been removed from the charge framed against the accused-appellant.

The appellant has been languishing in jail since 10.09.2021.

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 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 21.10.2021, passed by the Ld. A.D.J. 1st cum Spl. Judge SC/ST (POA) 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. A.D.J. 1st cum Spl. Judge SC/ST (POA) Act, Saran at Chhapra in connection with Saran SC/ST P.S. Case No. 48 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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