

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4945 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- SC/ST District- Saran

VIKASH KUMAR Son of Virendra Pd. Resident of Village - Moh.
Machchhali Hata, P.S.- Bhagwan Bazar, Distt.- of Saran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shankar Ram Son of Phuke Ram Resident of Village - Moh. - Bhagwan Bazar, Malgodam Road, P.O. and P.,s.- Bhagwan Bazar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Shankar Prasad Yadav
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 18-08-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The appellant has filed the instant appeal against the order and judgment dated 06.12.2021 passed by learned Special Judge SC/ST, Saran in connection with SC/ST P.S. Case No. 45 of 2021. registered for the offences under Sections 341, 323, 308, 379, 50 and 34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act whereby and whereunder the prayer for bail of the present appellant has been rejected.

As per prosecution case, accusation against the



present appellant to assault the informant. It is further alleged that appellant has snatched Rs. 3,000/- from the pocket of the informant.

Learned counsel for the appellant submits that appellant is in custody since 12.10.2021. Appellant bears one criminal antecedent of Excise Act in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is specific allegation against co-accused Vicky Kumar and there is no specific allegation of assault against the present appellant. There is accusation of snatching is nothing but super-addition. From the perusal of the F.I.R. it appears that allegation of assault with iron rod is not against the present appellant.

The learned Spl.P.P. (SC/ST) for the State vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both the parties, the Court is inclined to allow the instant appeal. The appeal is allowed and the impugned order is



hereby set aside and accordingly, the appellant is directed to be enlarged on bail in connection with SC/ST P.S. Case No. 45 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousands) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST, Saran subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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