

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.467 of 2023**

Arising Out of PS. Case No.-471 Year-2022 Thana- SAKRA District- Muzaffarpur

Sanjay Ram Son of Harihar Ram Resident of Village - Markan, P.S.- Sakra,
District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jageshwar Ram Son of Batahu Ram (Informant), Resident of Village - Markan, P.S.- Sakra, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 23-06-2023 Heard learned counsel for the appellant, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 09.12.2022 passed by the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 471 of 2022, F.I.R. dated 15.09.2022 registered under Section 365 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act and later on Sections 302, 201/34 of the Indian Penal Code and Sections 3(i)(r)(s), 2(v)(va) of the Scheduled Castes and Scheduled Tribes Act have been added.



According to the prosecution case, there was an altercation between the son of the informant and one Arman Anshari on account of some transaction in which Arman Anshari had abuse and threatened him and after that the son of the informant was missing.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion and on the confessional statement of the co-accused person, namely, Nargis Khatoon and self confessional statement of the appellant. He further submits that on the basis of confessional statement of the co-accused person, Nargis Khatoon, dead body of the deceased was recovered. He further submits that it transpires from the case diary that the statement of the appellant was recorded in paragraph 20 and thereafter in paragraph 40 but both the statement contradict each other. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the appellant in the present occurrence. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 18.09.2022.



Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that it has come during investigation that the appellant was involved in the crime in question.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 471 of 2022, with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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