

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.506 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- ALAMNAGAR District- Madhepura

Madhukant Sharma S/o Late Dineshwar Sharma R/o Village- Ganaul, P.S.-
Alamnagar, Distt- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Kumar Ram, the then A.S.I. Alamnagar, P.S.- Alamnagar, Distt-
Madhepura. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisuzzoha, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the appellant as well as
learned Spl.P.P. for the State.

Defects as pointed out by the office, is ignored.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 13.12.2022 passed by the learned Additional District Judge 1st, Madhepura in connection with Alamnagar P.S. Case No. 257 of 2022, F.I.R. dated 06.11.2022 registered under Sections 147, 148, 149, 341, 342, 323, 307, 224, 225, 354B, 332, 353, 333, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s), 3(2va) of the Scheduled Castes and Scheduled Tribes Act.



According to the prosecution case, when the police party proceeded to arrest co-accused, Vinay Kumar, his family members resisted the police party and scuffled with them. On their calls, 44 named villagers and 200-250 unknown villagers came there and they created road jam and mishandled with the police personnels. They also assasulted them and they abused the informant by calling his caste name.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpires that, altogether there are more than 200 accused persons and there is general and omnibus allegation against all the accused persons including the appellant. He further submits that there is no specific allegation of assault or overt act attributed against the appellant. He further submits that the co-accused, namely, Ambika Mehta has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. App. (SJ) No. 306 of 2023. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 07.11.2022.



Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

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 Additional District Judge 1st, Madhepura in connection with Alamnagar P.S. Case No. 275 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 their 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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