

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1289 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- ANGARGHAT District- Samastipur

Baiju Ray S/O Manik Lal Ray Resident Of Village -SUPOUL, Ps- Angarghat,
Distt.- Samastipur.

... .. Appellant/s

Versus

The State Of Bihar A.G Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar No1, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Despite of the information given by the learned
Spl.P.P. for the State to the Superintendent of Police, Smastipur
to the Respondent No. 2, he has not appeared in the present
proceeding.

Heard learned counsel for the appellant 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 24.01.2023
passed by the learned Special Judge, SC/ST Act, Samastipur in
connection with Angarghat P.S. Case No. 60 of 2022, F.I.R.
dated 02.07.2022 registered under Sections 302, 120B/34 of the
Indian Penal Code, Section 27 of the Arms Act as well as
Section 3(2)(VI) of the Scheduled Castes and Scheduled Tribes
Act.



According to the prosecution case, the informant got an information that her husband has been killed by some unknown persons at S.H.- 55 when he went to watch the orchard.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. He further submits that the appellant is not named in the F.I.R. and the name of the appellant transpires during investigation on the basis of the confessional statement of the co-accused person, namely, Ajay Thakur. He further submits that nothing has been recovered from the conscious possession or the house of the appellant rather the recovery of incriminating article has been made from the other accused persons and except the aforesaid, no 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 05.11.2022.

Learned Special Public Prosecutor for the State on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries 11 cases other than the present



one but fairly submits on the ground no. 5 of the present appeal that the appellant is on bail in all the cases.

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) each with two sureties of the like amount to the satisfaction of learned Special Judge SC/ST Act, Samastipur in connection with Angarghat P.S. Case No. 60 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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