

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1295 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- NAUBATPUR District- Patna

Ranjan Kumar Sharma @ Ranjan Kumar S/O Braj Kishore Singh Resident of Village- Sheikhura, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjusha Devi W/O Pinku Paswan Resident of Village- Dihra, P.S.- Naubatpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Dewanand Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 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 07.02.2023 passed by the learned Special Judge, SC/ST Patna in connection with Serial No. 340 of 2022 arising out of Naubatpur P.S. Case No. 707 of 2022, F.I.R. dated 25.10.2022 registered under Sections 341, 323. 307, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(e) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, the appellant along



with other accused persons came in intoxicated stage armed with weapons and started abusing by caste name. It is further alleged that one Bharat Kumar fired upon the husband of the informant causing injury in his stomach.

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 the F.I.R. is in two parts; according to part first, there is general and omnibus allegation against all the accused persons including the appellant and according to part second, there is specific allegation of assault against the co-accused, namely, Bharat Kumar who fired on Pinku Paswan husband of the informant and there is no allegation of any assault or overt act against the appellant. He further submits that the police, after investigation, submitted charge sheet against the appellant. He further submits that the similarly situated co-accused, namely, Chintu Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Appeal SJ No. 1293 of 2023. The appellant is in custody since 26.10.2022.

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.

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, Patna in connection with Serial No. 340 of 2022 arising out of Naubatpur P.S. Case No. 707 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 appellants have 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)

Vanisha/-

U		T	
---	--	---	--

