

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1404 of 2023

Arising Out of PS. Case No.-270 Year-2019 Thana- HASANPUR District- Samastipur

Satyam Yadav @ Satyam Kumar S/O Surendra Yadav @ Sula Yadav @
Surendra Mohan Shishir Resident Of Village- Marachi Ujagar, P.S. Hasanpur,
District- Samastipur Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Raushan S/O Maheshwar Chaupal R/O Village- Atapur
Navtolia, P.S- Hasanpur, Distt.- Samastpur.
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Pravin Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent/s	:	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2023 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.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 10.02.2023
passed by the learned Court of Special Judge, SC/ST (POA)
Act, Samastipur in connection with Hasanpur P.S. Case No. 270
of 2019, F.I.R. dated 31.12.2019 registered under Sections 147,
307, 323, 325, 341, 379, 427, 448, 504 and 506 of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)
(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the appellant
being the member of the mob entered into the house of the



respondent no. 2, used abusive language and snatched Rs. 15,000/- and other ornaments from his house.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that from perusal of the F.I.R it appears that there is no acquisition of any assault or overt act attributed against the appellant rather the acquisition against the appellant is that the appellant and other accused persons have snatched Rs. 15,000/- cash kept in a box and gold chain and earring from the house of the respondent no. 2. He further submits that nothing has been recovered from the possession of the appellant. He further submits that the similarly situated co-accused, namely, Sohit Singh @ Sohit Amarjeet Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 01.06.2020 passed in Cr. App. (SJ) No. 1054 of 2020, co-accused, namely, Jeewan Singh @ Jeevan Singh against whom the allegation of firing has been attributed has been granted bail by a Co-ordinate Bench of this Court vide order dated 14.09.2020 passed in Cr. App. (SJ) No. 980 of 2020 and co-accused, namely, Rohit Singh @ Rohit Kumar Singh against whom allegation of firing has been attributed has been



granted bail by a Co-ordinate Bench of this Court vide order dated 27.11.2020 passed in Cr. App. (SJ) No. 1689 of 2020 and co-accused, namely, Chhotu Singh @ Sashikesh Anand has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.03.2022 passed in Cr. App. (SJ) No. 3320 of 2021. The appellant is in custody since 06.10.2020.

5. 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 there is direct and specific allegation against the appellant that he has snatched Rs. 15,000/- and apart from that, the appellant carries two criminal antecedents other than the present one but fairly submits that he has been acquitted from the charges in Hasanpur P.S. Case No. 136 of 2020 and in another case he has been declared juvenile by the competent Court.

6. Considering the facts and circumstances of the case and the period of custody, 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 Court of Special Judge, SC/ST (POA) Act, Samastipur in connection with Hasanpur P.S. Case No. 270



of 2019, with other following conditions:-

i. 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.

ii. 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.

iii. 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 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.

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

(Rajesh Kumar Verma, J)

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