

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1416 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHARAJGANJ District- Siwan

Ujjwal Kumar @ Ujjwal Pandey @ Ujjwal Kumar Pandey Son Of Mudhun
Pandey Resident Of Village- Ratanpura, Ps- Maharajganj, Distt- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
3. Chotelal Ram @ Munni Ram Son Of Gopi Ram Resident Of Village-
Pokhra, Ps- Maharajganj, Distt- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bindhyachal Singh, Sr. Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Respondent	:	Mr. Ram Binod Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard Mr. Bindhyachal Singh, learned senior
counsel for the appellant, Mr. Ram Binod Singh, 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 22.02.2023
passed by the learned Additional Sessions Judge 1st cum Special
Court, Siwan in connection with Maharajganj P.S. Case No. 38
of 2023, F.I.R. dated 05.02.2023 registered under Section 307 of
the Indian Penal Code, Section 27 of the Arms Act and Section
3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, a scuffle broke out
between the informant and the appellant where the appellant
took out his pistol and fired thrice upon the informant causing
him injuries in left leg and ankle and thereafter, the appellant



fled away leaving his motorcycle at the spot.

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 appellant was posted as constable in BSF and the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the trial has started, the informant is deposed as PW-2 and he does not support the allegation as alleged in the F.I.R. (Annexure- 6 Series of supplementary affidavit). The appellant is in custody since 06.02.2023.

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 Additional Sessions Judge 1st cum Special Court, Siwan in connection with Maharajganj P.S. Case No. 38 of 2023, 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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