

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1620 of 2023**

Arising Out of PS. Case No.-163 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Pankaj Kapar @ Haldhar Kapar S/O Late Kashi Kapar Resident of Village-
Bhudhara Dih, Musapur, P.O. and P.S.- Muffasil, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Ram S/O Late Bisheshwar Ram Resident of Village- Bhuidhara Dih,
Musapur, P.S.- Muffasil, Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate

For the Respondent No.2: Mr. Ashok Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 04-08-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Special Public
Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 16.02.2023 passed by the learned Exclusive Special
Judge, SC/ST Act, Samastipur, in connection with Samastipur
Muffasil P.S. Case No.163 of 2022, registered under Sections
307, 387, 504, 427, 34 of the Indian Penal Code and Section 27
of the Arms Act and Sections 3(2)(va), 3(1)v, 3(1)w of SC/ST
Act, 1989.



It is a case of opening fire upon the informant and demanded ransom money. The accused persons abused by caste name and opened four round firing.

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 and the appellant has not committed any offence as alleged in the F.I.R and there is no injury report was found in the case diary and it has come during investigation that no such occurrence has taken place. He further submits that similarly situated, co-accused, namely, Sujeet Ram @ Sujeet Kumar Ram has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 27.04.2023 passed in Cr. Appeal (SJ) No. 1708 of 2023. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 11.01.2023.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that there is specific and direct allegation against the appellant that he has assaulted informant. They further submits that appellant carries nine criminal antecedents other



than the present one but fairly submits that appellant is on bail in all the cases.

Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge, SC/ST Act, Samastipur in connection with Samastipur Muffasil P.S. Case No.163 of 2022, subject to the 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 dated 10.04.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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