

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1774 of 2023**

Arising Out of PS. Case No.-1146 Year-2022 Thana- FORBESGANJ District- Araria

Santosh Yadav Son Of Late Bindeshwari Yadav Village Bochabhag Samoul
Ward No 14 P S Forbesganj Disst Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiray Das son of Late Shivilal Das Bochabag ward no-6, ps- forbesganj dist-
araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent	:	Mr. Nishant Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 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 08.02.2023
passed by the learned Court of 1st Additional Sessions Judge
cum Special Judge, Araria in connection with Forbesganj P.S.
Case No. 1146 of 2022, F.I.R. dated 02.11.2022 registered under
Sections 341, 323, 379, 504/ 34 of the Indian Penal Code and
Sections 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled
Tribes Act.

3. According to the prosecution case, two miscreants



intercepted the respondent No. 2 and on the point of pistol, they snatched his motorcycle and cash of Rs. 10,000/- from his pocket and also assaulted him.

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 and the appellant has not committed any offences as alleged in the F.I.R. He further submits that due to previous enmity, the appellant has been implicated in this case. He further submits that the motorcycle in question was recovered near the house of the appellant. He further submits that there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 28.12.2022.

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 and apart from that, the appellant carries two criminal antecedents other than the present one but fairly submits that he is on bail in one case and in second case the I.O.



has submitted the final form in favour of the appellant.

6. 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 Court of 1st Additional Sessions Judge cum Special Judge, Araria in connection with Forbesganj P.S. Case No. 1146 of 2022, 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.

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

(Rajesh Kumar Verma, J)

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