

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1778 of 2022

Arising Out of PS. Case No.-1068 Year-2021 Thana- ARA NAWADA District- Bhojpur

Roshan Kumar S/o Sunil Chaudhaary @ Sunil Kumar R/o Mohalla- New
Sital Tola, P.S.- Ara Town, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh

For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 01-02-2023 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

Despite valid service of notice, nobody appears on
behalf of the informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 21.04.2022,
passed by the Ld. Additional Sessions Judge cum Special
Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara, in
connection with SC/ST Case No. 16 of 2022, arising out of
Ara Nawada P. S. Case No. 1068 of 2021, registered for
the offences punishable under Sections 302 and 34 of the
Indian Penal Code and Section 3(2)(v) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the cousin of the informant informed him that a dead body is found lying at the gate of the washroom situated at the bus stand. When the informant went there, he saw that the dead body was of his nephew Pramod Kumar. It is alleged that there was some money dispute between the appellant and the deceased and due to this the present offence has been committed.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is not named in the F.I.R. and even there is no concrete material against him even after investigation and he has been implicated in this case only on the basis of suspicion. He further submits that the F.I.R. named accused Vinit Kumar has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 04.08.2022, passed in Criminal Appeal (SJ) No. 961 of 2022.



He further submits that the appellant has been languishing in jail since 11.11.2021.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 21.04.2022, passed by Ld. Additional Sessions Judge cum Special Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge cum Special Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara, in connection with SC/ST Case No. 16 of 2022, arising out of



Ara Nawada P. S. Case No. 1068 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial



court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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