

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1973 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Brajesh Sah, Son of Ramjas Sah Resident of Village - Rain Shankar, P.s.-
Runnisaidpur, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o Nagendra Baitha Resident of Village - Rain Shankar , P.s.-
Runnisaidpur, Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhubala Verma
For the Respondent no.1	:	Mr. Sadanand Paswan
For the Respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 01-02-2023 Notice sent through the registered post has not

been received back despite passing of more than one month.

Hence, it is deemed to be served upon the informant.

However, despite valid service of notice, nobody is

present on behalf of the Respondent no.2/Informant.

Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 23.05.2022,

passed by the Ld. Additional Sessions Judge-I Cum-Special

Judge, (SC/ST) (POS) Act, Sitamarhi, in connection with



Runnisaidpur P.S. Case No. 133 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the I.P.C. and Section 3 (i)(r)(s)/3(2) (Va) SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the appellant along with his associates assaulted the informant and her family members with knife, katiya, lathi, rod etc. having intention to cause their death due to previous enmities. It is also alleged that they abused the informant and her family members by taking their caste name.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the alleged injury is simple in nature as per the injury report. He also submits that other co-accused, namely, Sanjit Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order, dated 21.12.2022, passed in Cr. App. (SJ) No. 3120 of 2022.

He further submits that the appellant has been



languishing in jail since 29.03.2022.

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 23.05.2022, passed by Ld. Additional Sessions Judge-I Cum-Special Judge, (SC/ST) (POS) Act, Sitamarhi, 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-I Cum-Special Judge, (SC/ST) (POS) Act, Sitamarhi in connection with Runnisaidpur P.S. Case No. 133 of 2022 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)

ramesh/-

U		T	
---	--	---	--

