

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL APPEAL (SJ) No.2063 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

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Rajnikant Kumar @ Raja Babu, S/o Lakhan Paswan R/o village- Pipra, P.S.-  
Aurangabad, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukhan Ram, S/o not known R/o village- Karmhari Mohaniya, Ward No. 2,  
P.S.- Mohaniya, District- Kaimur (Bhabua)

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bhaskar Shankar

For the Respondent No.1: Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

ORAL ORDER

3      04-01-2023                      Notice has been sent to the informant on  
  
02.12.2022. Despite notice, nobody has appeared on his  
  
behalf.

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 19.05.2022,  
  
passed by the Ld. Additional Sessions Judge - 17 cum



Special Judge, SC/ST, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P. S. Case No. 94 of 2022, registered for the offences punishable under Sections 302, 201, 120(B), 406 and 420 of the Indian Penal Code and 3 (2) (v) SC/ST (POA) Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the vehicle of the son of the informant was hired by some unknown persons for taking them to some destination but on the way he was killed.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the F.I.R. is lodged against unknown persons. He also submits that the name of the appellant has transpired only on the basis of confessional statement of one co-accused Sonu Kumar @ Om Prakash Singh. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that the appellant will co-operate in the trial and the trial will not hamper in case he is released on bail.

He further submits that the appellant has been



languishing in jail since 12.03.2022.

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 earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. Special Public Prosecutor for the State and the informant have vehemently opposed the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 19.05.2022, passed by the Ld. Additional Sessions Judge – 17 cum Special Judge, SC/ST, Rohtas at Sasaram, 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 the Ld. Additional Sessions Judge – 17 cum Special Judge, SC/ST, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P. S. Case No. 94 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 court below that the appellant has any criminal antecedents, the learned court below 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 court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bonds of



the appellant.

The learned 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)**

skm/-

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