

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2320 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- SABAUR District- Bhagalpur

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1. RAHUL SINGH Son of Bagho Singh @ Raghunath Singh Resident of village- Shivaydin, PS- Sabour, District- Bhagalpur
 2. Alok Singh @ Gulsan @ Gulsan Kumar Son of Anil Singh Resident of village- Shivaydin, PS- Sabour, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Hardeo Das Son of late Ramfal Das Resident of village- Kurpat, post- Sabour, P.S.- Parshari, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Indeshwari Prasad Mandal
For the Respondent No-1:		Ms. Usha Kumari 1
For the Respondent No-2:		Mr. Subash Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 11-01-2023 Heard Ld. counsel for the appellants, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant/Respondent No-2.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 27.06.2022, passed by Sri Rohit Shankar Ld. Additional Sessions Judge- III-cum-Special Judge SC/ST Act, Bhagalpur, in connection with Special SC/ST Case No. 191 of 2021 arising out of Sabour P.S. Case No. 290 of 2021 registered for the offences punishable under Sections 341, 323, 325, 379,



504, 506 and 34 of the Indian Penal Code and Sections 3(1) (r) (s) of the SC/ST Act, whereby bail has been denied to the appellants.

The prosecution case as emerging from the FIR is that on 09.11.2021 when the informant and his son-in-law reached at Kurpat Bahiyar, all the accused persons started assaulting him by the hockey stick, due to which his right hand got fractured. Allegation of abuse by taking his caste name is also there.

Ld. counsel for the appellants submit that the appellants are innocent and have falsely been implicated in this case. He further submits that there is no allegation of grievous injury caused to the informant by the present accused-appellants. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed yet.

He further submits that the appellants have been languishing in jail since 24.05.2022.

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



It is also stated in paragraph no. 2 of the appeal that the appellants have moved this Court earlier either for anticipatory bail vide Cr. Appeal (SJ) NO. 1274 of 2022.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed, after framing of charge, if not already framed** setting aside the impugned order dated 12.11.2021, passed by Sri Rohit Shankar Ld. Additional Sessions Judge-III-cum-Special Judge SC/ST Act, Bhagalpur, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sri Rohit Shankar Ld. Additional Sessions Judge-III-cum-Special Judge SC/ST Act, Bhagalpur in connection with Special SC/ST Case No. 191 of 2021 arising out of Sabour P.S. Case No. 290 of 2021 on the following conditions:

(i) The appellants will make themselves available



for interrogation by a police officer/court as and when required.

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

(iii) The appellants 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 them 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 appellants have any criminal antecedents, Ld. court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their 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, Ld. court below shall cancel the bail bonds of the



appellants.

Ld. counsel for the appellants is/are 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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