

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2466 of 2022

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

TULSI KUMAR @ SUNNI KUMAR S/o Laxman Mahto @ Yogendra
Jamadar @ Jogendra bind R/o village- Arfabad, Beldar Tola, P.S.- Alamganj,
District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. RENU DEVI W/o Jaggu Choudhary R/o Mohalla- Gud Ki Mandi, P.S.-
Alamganj, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jay Ram Prasad
For the Respondent/s	:	Ms. Usha Kumari 1
For the Respondent No-2 :		Mr. Tribhuvan Narayan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant, 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
appellant on bail, impugning the order dated 23.06.2022,
passed by Ld. Exclusive Special Judge SC/ST, Patna, in
connection with Special Case No. 236 of 2021 arising out of
Alamganj P.S. Case No. 534 of 2021, registered for the
offence punishable under Sections 302, 120B and 34 of the
Indian Penal Code, Sections 27 of the Arms Act and Sections
3(2) (va) of the SC/ST Act whereby bail has been denied to



the appellant.

The prosecution case as emerging from the FIR is that on 19.08.2021 at about 09:15 PM when the husband of the informant was passing through the vicinity of Gur Ki Mandi, the appellant along with his associates surrounded him and started firing upon him due to which he died.

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 FIR and his name has been emerged only in the confessional statement of co-accused. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that the appellant will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He further submits that other co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court vide orders dated 25.08.2022, 18.08.2022 and 14.12.2022, passed in Cr. Appeal (SJ) No. 4953 of 2021, Cr. Appeal (SJ) No. 290 of 2022 and Cr. Appeal (SJ) No. 3108 of 2022, respectively.



He further submits that appellant has been languishing in jail since 13.01.2022.

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, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant 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 23.06.2022, passed by the Ld. Exclusive Special Judge SC/ST, Patna, 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. Exclusive Special Judge SC/ST, Patna in connection with Special Case No. 236 of 2021 arising out of Alamganj P.S. Case No. 534 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 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 Ld. court below shall cancel the bail bonds of the



appellant.

The 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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