

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2457 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md. Jamil S/o Md. Kalam R/o village- Atardah, P.S.- Sadar, Distt.-
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindeswar Ram S/o Late Nathuni Ram R/o village- Majhauri Dharmdas,
P.S.- Sadar, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Upendra Kumar
For the Respondent no.1 : Mr. Usha Kumari 1
For the Respondent no.2 : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 04.06.2022,
passed by Ld. 1st Additional Sessions Judge cum Special
Judge SC/ST Act, Muzaffarpur in connection with Sadar P.S.



Case No. 404 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 324, 326, 307, 302 of the Indian Penal Code and 3(1)(r)(s) of the 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 other accused persons is said to have assaulted the informant and his family members by deadly weapons.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He also submits that there is no allegation of any overt act against the appellant. He further submits that co-accused persons, namely, Md. Rustam, Md. Islam, Abdul Salam and Md. Rafid have been enlarged on bail by co-ordinate Bench of this Court vide order dated. 24.06.2021, 02.08.2021, 10.03.2021 and 02.03.2021, passed in Cr. Appeal (SJ) No.. 2396 of 2021, Cr. Appeal (SJ) No. 2988 of 2021, Cr. Appeal (SJ) No. 349 of 2021 and Cr. Appeal (SJ) No. 1095 of 2021 respectively.

He further submits that the appellant has been languishing in jail since 23.05.2022.



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 moved this Court earlier for anticipatory bail vide Cr. Appl (s) No. 508 of 2021.

However, 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 04.06.2022, passed by Ld. 1st Additional Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur, 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. A.D.J.I cum Spl. Judge, SC/ST Act, Muzaffarpur in connection with Sadar P.S. Case No. 404 of 2020 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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