

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2465 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- BARACHATTI District- Gaya

=====

ARVIND KUMAR @ ARVIND KUMAR VERMA S/o Navratan Prasad @
Ram Ratan Mahto R/o village- Mahkampur, P.S.- Barachatti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kesari Devi W/o Suresh Kumar R/o village- Mahkampur, P.S.- Barachatti,
District- Gaya

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Mishra
For the Respondent/s : Mrs. Usha Kumari 1
For the Respondent No-2 : None

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 04-01-2023 Notice was sent to the Informant/Respondent No.2

but he has refused to receive the notice. Hence service of
notice is deemed to be served, despite service of notice
nobody is present on behalf of Informant/Respondent No.2.

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 15.06.2022, passed by Ld. (I/C) Exclusive Spl. Judge, SC/ST, Gaya, arising out of Barachatti P.S. Case No. 252 of 2022, registered for the offence punishable under Sections 147, 148, 149, 323, 324, 325, 354(B), 307, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) (i) (ii) and 3(ii) (v-a) of the SC/ST Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that appellant along with his associates assaulted the informant and her family members by lathi, danda and other arms and they also abused her by taking their caste name.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that in all the same transaction, there is case and counter case on the alleged occurrence. He also submits that other co-accused persons have already been enlarged on bail vide orders dated 16.11.2022, 23.11.2022 and 19.10.2022, passed in Cr. Appeal (SJ) No. 2215 of 2022, Cr. Appeal (SJ) No. 2444 of



2022 and Cr. Appeal (SJ) No. 2010 of 2022, respectively.

He further submits that the appellant has been languishing in jail since 27.04.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in two other cases.

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 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 15.06.2022, passed by the Ld. (I/C) Exclusive Spl. Judge, SC/ST, Gaya, 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. (I/C) Exclusive Spl. Judge, SC/ST, Gaya in connection with Barachatti P.S.



Case No. 252 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 antecedent, other than the disclosed one, the Ld. 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)

ashishkr/-

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

