

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2541 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- SABAUR District- Bhagalpur

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1. Chandan Singh @ Chandan Kumar S/o Ramswaroop Singh @ Ramswaroop Mandal Resident of village- Swaroopchak, P.S.- Goradih District- Bhagalpur
 2. Alok Singh @ Alok Kumar S/o Ramswaroop Singh @ Ramswaroop Mandal Resident of village- Swaroopchak, P.S.- Goradih District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhaksi Devi @ Eksi Devi W/o Hull Das Resident of village- Swaroopchak, P.S.- Goradih District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anupa Nand Jha
For the Respondent no1	:	Ms. Usha Kumari 1
For the Respondent no2	:	None.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-01-2023 Heard Ld. counsel for the appellants, Ld. APP for the State.

Despite service of notice, nobody is present on behalf of the Informant/Respondent no.2.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 28.06.2022, passed by Ld. 3Rd A.D.J. Court-cum- Special Judge SC/ST Court, Bhagalpur, in connection with Sabour (Goradih P.S. Case No. 232 of 2021, registered for the offences punishable under Sections 341/ 323/ 325/ 307/ 447/ 504/



506/34 and Section 03(1)(r)(5), 3((2)(va) of the SC/ST Act
, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that on 03.09.2021, when the informant was cutting grass in the field of one Om Prakash Singh, the appellant and other co-accused persons came there and asked her not to cut grass. Further, when the informant returned to her house they also reached there and started abusing her by taking caste name and assaulted her with lathi and iron rod. However, when her son came to rescue her, he also sustained injury due to assault.

Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He also submits that there is case and counter case and the allegation against the appellants is general and omnibus in nature. He further submits that co-accused, namely, Ram Swarup Singh, has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 22.09.2022, passed in Cr. Misc. No. 1713 of 2022. He also submits that charge-sheet in this case has already been



submitted.

He further submits that the appellants have been languishing in jail since 21.05.2022.

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 not moved this Court earlier either for anticipatory bail or regular one in the present matter.

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

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 28.06.2022, passed by Ld. 3Rd A.D.J. Court-cum-Special Judge SC/ST Court, 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 Ld. 3Rd A.D.J. Court-cum- Special Judge SC/ST Court,



Bhagalpur, in connection with Sabour (Goradih P.S. Case No. 232 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 trial court that the appellants have any criminal antecedents, Ld. trial court 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 trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants 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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