

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2937 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- WARISNAGAR District- Samastipur

Md. Inamul @ Md. Inamul Haque Son of Gulam Rasul Marhum Resident of
village - Satmalpur, P.S. - Warisnagar, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumari Devi Wife of Late Laxmi Paswan Resident of village -
Satmalpur, ward no. 8, P.S. - Warisnagar, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-09-2023 Despite validly served notice, no one appears on
behalf of the Respondent No. 2.

2. Heard learned counsel for the appellant as well as
learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 09.05.2023
passed by the learned Court of Special Judge, SC/ST (POA)
Act, Samastipur, in connection with Warisnagar P.S. Case No.
330 of 2022, F.I.R. dated 30.10.2022 registered under Sections
147, 149, 323, 302, 504, 506 of the Indian Penal Code and
Sections 3(1) (r) (s) / 3(2) (v) of the Scheduled Castes and
Scheduled Tribes (POA) Act.



4. According to the prosecution case, this appellant along with other accused persons have assaulted the husband of the informant due to which he sustained severe injuries and died during the course of treatment.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including the appellant and according to part two, there is specific allegation against the co-accused persons, namely, Md. Aale and Md. Ansabul. He further submits that Md. Ansabul and others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Appeal (SJ) No. 563 of 2023 and another co-accused, namely, Ajay Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Appeal (SJ) No. 1079 of 2023. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 18.01.2023.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, SC/ST (POA) Act, Samastipur, in connection with Warisnagar P.S. Case No. 330 of 2022, F.I.R. dated 30.10.2022, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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