

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2664 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- PIPRAKOTHI District- East Champaran

ARJUN MAHTO Son of Ram Prasad Mahto Resident of Village - Dhekha
Bala Tola , P.s.- Pipra Kothi, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramashish Ram Late Adalat Paswan R/O- Dekaha, Goswami Tola, P.S.-
Pipra, kothi, District-East Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2429 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- PIPRAKOTHI District- East Champaran

BABULAL SAH Son of Mohichan Sah Resident of Village - Dhekaha
Goswami Tola, P.S.- Pipra Kothi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Ram son of late Adalat Paswan resident of village- Dekhan
Goswami Tola, P.S.- Pipra Kothi, District- East Champaran

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2664 of 2022)

For the Appellant/s : Mr. Krishna Kant Singh

For the Respondent No-1: Mr. Sadanand Paswan

For the Respondent No-2 : Mr. Satish Kumar Sinha

(In CRIMINAL APPEAL (SJ) No. 2429 of 2022)

For the Appellant/s : Mr. Abhishek Kumar

For the Respondent No-1: Mr. Sadanand Paswan

For the Respondent No-2 : Mr. Satish Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 11-01-2023 Heard Ld. counsel for the appellants, 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 appellants on bail, impugning the order dated 09.06.2022, passed by Ld. Special Judge, SC/ST Act, East Champaran at Motihari arising out of Pipra Kothi P.S. Case No. 222 of 2021 registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code and Sections 3(1) (r) (s)/ 3(2) (v) of the SC/ST Act, whereby bail has been denied to the appellants.

The prosecution case as emerging from the FIR is that the appellants and their associates killed the son of the informant and threw his dead body at Belgacchi Tal. Allegation of abuse by taking his caste name and threatening him for money is also there.

Ld. counsel for the appellants submit that the appellants are innocent and has falsely been implicated in this case. They further submit that the case against the appellants is based only on suspicion. They also submit that that other co-accused person, namely, Nagina Paswan has



already been enlarged on bail vide order dated 30.06.2022 passed in Cr. Appeal (SJ) No. 286 of 2022. They further submit that investigation in this case is complete and charge-sheet has been submitted but they are not aware whether the charge has been framed or not.

They further submit that the appellants have been languishing in jail since 30.04.2022.

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 appellant, namely, Babulal Sah has moved this Court earlier for anticipatory bail vide Cr. Appeal (SJ) No. 4762 of 2021 whereas the other appellant, namely, Arjun Mahto 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 appellants for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed, after framing of charge, if not**



already framed setting aside the impugned order dated 09.06.2022, passed by the Ld. Special Judge, SC/ST Act, East Champaran at Motihari, 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 the Ld. Special Judge, SC/ST Act, East Champaran at Motihari, Bhagalpur in connection with Pipra Kothi P.S. Case No. 222 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 court below that the appellants have any criminal antecedents, Ld. court below 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 court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the appellants.

However, in case framing of charge is delayed on account of non-attendance of the other co-accused person/s who has/have already been enlarged on bail, their bail bonds shall be cancelled and their case should be separated from the present accused-appellants.

Ld. counsel for the appellants is/are 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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