

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2663 of 2022

Arising Out of PS. Case No.-333 Year-2022 Thana- NATHNAGAR District- Bhagalpur

=====

Battan @ Raj Kumar Yadav @ Bul Yadav S/o Yagi Yadav @ Joga Yadav R/o
Village/Mohalla- Ramchandrapur (Navtolia), P.S.- Nath Nagar, District-
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikandar Rajak S/o Late Bishundev Rajak R/o Village/Mohalla-
Ramchandrapur (Navtolia), P.S.- Nath Nagar, District- Bhagalpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sanjiv Kumar Singh
For the Respondent No.1: Mr. Binay Krishna
For the Respondent No.2: None

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 11-01-2023 Despite valid service of notice, nobody is present

on behalf of the Respondent No. 2.

Heard Ld. counsel for the appellant and Ld. APP

for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 11.07.2022,

passed by the Ld. Addl. Sessions Judge 3rd-cum-Spl. Judge,



(SC/ST Act), Bhagalpur in connection with Nath Nagar P.S. Case No. 333 of 2022 , registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 427, 379, 354(B), 504, and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(x) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that on 01.05.2022 at about 1:00 PM in the noon appellant along-with associates started abusing the informant and his family members by taking his caste name and dragging out from his house and assaulted them by iron rod etc.

Ld. counsel for the appellants submits that the appellant is innocent and has falsely been implicated in this case. He further submits that allegation is not supported by the injury report as per which the alleged victim has suffered just simple and abrasion type injury which is simple in nature. He also submits that all co-accused persons have already been enlarged on by the Trial court itself.

He further submits that the appellant has been languishing in jail since 03.06.2022.



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

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 in the present case.

However, 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 11.07.2022, passed by Ld. Addl. Sessions Judge 3rd-cum-Spl. Judge, (SC/ST Act), Bhagalpur, 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. Addl. Sessions Judge 3rd-cum-Spl. Judge, (SC/ST Act), Bhagalpur in connection with Nath Nagar P.S. Case No. 333 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 trial court that the appellant has criminal antecedents other than the disclosed one, 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, 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)

uttam/-

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

