

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2829 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- SAUR BAZAR District- Saharsa

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Chhotu Kumar @ Chhotu Kumar Yadav @ Premsan Kumar Son of Dhirendra
Yadav @ Dhirendra Kumar Yadav R/v- Suhath P.s- Sour Bazar Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Amerika Devi Wife of Binod Sada R/v- Suhat Tola Budhi Mushari, Ward
No. 14, P.S- Sour Bazar Dist- Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vijay Shankar Shrivastava
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No.2:	:	None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Despite the valid service of notice, nobody is present
on behalf of the 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 08.07.2022,
passed by the Ld. Additional Sessions Judge 3rd Saharsa-
cum-Spl. Judge SC/ST, Act, arising out of Sour Bazar P.S.



Case No. 220 of 2022, registered for the offences punishable under Sections 341, 307, 504, 506 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) (Va), 3(2) (V) 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 abused the informant, namely, America Devi. Allegation of firing is also there.

The Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that even as per the FIR no injury has been caused to any person. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that appellant has been languishing in jail since 03.05.2022.

It has further been stated in paragraph no. 3 of the appeal that the appellant has been made accused in four other cases.



It is also stated in paragraph no. 2 of the bail petitions 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 08.07.2022, passed by the Ld. Additional Sessions Judge 3rd Saharsa-cum-Spl. Judge SC/ST, 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. Additional Sessions Judge 3rd Saharsa-cum-Spl. Judge SC/ST in connection with Sour Bazar P.S. Case No. 220 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)

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