

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2781 of 2022**

Arising Out of PS. Case No.-124 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Madan Ram, S/o Late Ram Chandra Ram R/o village- Hajpurwa, P.S.- GB
Nagar, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Kumar (Male), aged about 30 years, son of Birendra Manjhi,
Resident of Village – Sadikpur, P.S. - Pachrukhi, District - Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Kumari Anupam
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 24-02-2023 Despite valid service of notice, nobody appears on

behalf of the Informant/Opposite Party 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 28.07.2022,

passed by the 1st Additional Sessions Judge cum Special

Judge, Siwan, in connection with G.B. Nagar P. S. Case No.

124 of 2022, registered for the offences punishable under

Sections 147, 341, 323, 379, 307, 504, 506 and 34 of the

Indian Penal Code and Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that on 29.04.2022, when the informant was returning from his sister's house, 15-20 persons surrounded him near Hajpura Village and started abusing him taking his caste name and also assaulted him with farsa and iron rod due to which the informant sustained severe injury. Further, the informant also informs that his brother, Ranjan was also abused and assaulted on his head by means of sword by the accused persons including the appellants. Allegation of snatching Rs. 25,000/- on the accused persons is also there.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there was no intention on the part of any accused to kill persons otherwise, they could have been killed. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that similarly situated accused persons have already been enlarged on bail by this Court



vide order dated 12.01.2023, passed in Criminal Appeal (SJ) No. 3080 of 2022 and its analogous case.

He further submits that the appellant has been languishing in jail since 08.07.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

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.

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 28.07.2022, passed by Ld. 1st Additional Sessions Judge cum Special Judge, Siwan, 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. 1st Additional Sessions Judge cum Special Judge, Siwan, in connection with



G.B. Nagar P. S. Case No. 124 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 any criminal antecedents, the 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,
the 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)

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