

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2884 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- KARJA District- Muzaffarpur

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Ram Sewak Sah S/O Shubh Lal Sah Resident Of Village- Goriyara, P.S.-
Karja, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Kumar S/O Rameshwar Chaudhary Resident Of Village- Goriyara,
P.S.- Karja, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manoj Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
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 26.03.2022,

passed by the Ld. Additional Session Judge-1-cum-Spl.

Judge, SC/ST Act, Muzaffarpur, arising out of Karja P.S.

Case No. 02 of 2022, registered for the offences punishable

under Sections 323, 341, 342, 308, 379, 504, 506 and 34

of the Indian Penal Code and Section 3 (i) (r) (w) 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 came with various weapons started assaulting and abusing the informant and his mother due to previous land dispute.

The Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further 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 20.07.2022.

It has further 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 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 26.03.2022, passed by the Ld. Additional Session Judge-1-cum-Spl. Judge, SC/ST Act, Muzaffarpur, 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 Session Judge-1-cum-Spl. Judge, SC/ST Act, Muzaffarpur in connection with Karja P.S. Case No. 02 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 antecedents, the learned 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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