

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2932 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

PRAMOD RAY Son of Late Ganesh Rai Resident of village - Roop Chapra,
P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishnadeo Ram son of Late Jamun Ram resident of village- Rup Chhapra,
P.S.- Sahebganj, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s :	Mr. Sunil Kumar Pandey
For the Respondent No-1:	Mr. Binay Krishna
For the Respondent No-2:	Mr. Rajeev Ranjan II (Adv.)
	Ms. Priyanka Kumari (Adv.)
	Ms. Anjana Gupta (Adv.)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 Heard Ld. counsel for the appellant, 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
appellant on bail, impugning the order dated 29.07.2022,
passed by Ld. Special Judge SC/ST Act, Muzaffarpur, arising
out of Sahebganj P.S. Case No. 270 of 2022 registered for
the offences punishable under Sections 341, 323, 307, 447,
370, 354, 504, 506 and 34 of the Indian Penal Code and
Section 3(i)(r)(s) of the SC/ST Act, whereby bail has been



denied to the appellant.

The prosecution case as emerging from the FIR is that the appellant and his associates assaulted the informant by *lathi, danda, farsa*, iron rod etc which caused grievous injury on his head. They also abused him by taking his caste name.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the alleged injury is simple in nature and after investigation charge-sheet has been submitted and Section 307 has been deleted in the charge-sheet the Police has not found case true.

He further submits that the appellant has been languishing in jail since 01.07.2022.

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 and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 29.07.2022, passed by Ld. Special Judge SC/ST Act, Muzaffarpur, and directing the appellant to be enlarged 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. Special Judge SC/ST Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 270 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.

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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