

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2942 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- NAUHATTA District- Rohtas

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1. NAGINA RAM S/o Late Raman Ram R/o village- Soli, P.O.- Rehal, P.S.- Nauhatta, District- Rohtas
  2. Parikha Ram S/o Nagina Ram R/o village- Soli, P.O.- Rehal, P.S.- Nauhatta, District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntala Devi W/o Shyam Narayan Uraon R/o village- Soli, P.O.- Rehal, P.S.- Nauhatta, District- Rohtas

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s      | : | Ms. Alka Singh       |
| For the Respondent No-1: |   | Ms. Usha Kumari 1    |
| For the Respondent No-2: |   | Mr. Rajanikant Singh |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      12-01-2023                      Heard Ld. counsel for the appellants, 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 appellants on bail, impugning the order dated 05.07.2022, passed by Ld. Additional District & Sessions Judge-17-Cum-Special Judge, SC/ST Act, Rohtas at Sasaram, arising out of Nauhatta P.S. Case No. 20 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504, 506, and 34 of the Indian Penal Code and later on Section



302 of the Indian Penal Code was subsequently added and Sections 3(i) (r) (s), 3(2) (vr) of the SC/ST Act, whereby bail has been denied to the appellants.

The prosecution case as emerging from the FIR is that the appellants and their associates had assaulted the informant's husband and her *Devar* due to protest made by her husband and *Devar* on construction of Dam work by one Jag Lal Yadav.

Ld. counsel for the appellants submit that the appellants are innocent and have falsely been implicated in this case. He further submits that the allegations against the appellants is general and omnibus and there is no allegation of any specific overt against any of the accused persons. Even as per the FIR, it shows that dispute was with accused Jag Lal Yadav who was *Thekedar* of the work which was being opposed by the informant. He also submits that the informant is not an eye witness to the alleged occurrence and the statement has been made in the FIR as per the hearsay from one Kalawati Devi who is wife and mother of the appellants respectively. He also submits that



investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellants have been languishing in jail since 22.02.2022.

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

It is also stated in paragraph no. 2 of the appeal that the appellants have 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 appellants for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed, after framing of charge, if not already framed**, setting aside the impugned order dated 05.07.2022, passed by Ld. Additional District & Sessions Judge-17-Cum-Special Judge, SC/ST Act, Rohtas at Sasaram, and directing the appellants to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of Ld. Additional District & Sessions Judge-17-Cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Nauhatta P.S. Case No. 20 of 2022 on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants 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 them 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 appellants have any criminal antecedents, Ld. court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants



have concealed their criminal antecedents despite their 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, Ld. court below shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants is/are 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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