

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2917 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- SC/ST District- Bhagalpur

Chhotu Yadav Son of Late Karu Yadav Resident of Mohalla- Parbatti, Ward
No. 13, P.S- University, Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s :	Mr. Praveen Kumar
For the Respondent No.1:	Mr. Binay Krishna
For the Respondent No.2:	Mr. Md. Najmul Hodda

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 10-01-2023 Heard Ld. counsel for the appellant, Ld. APP for
the State and Informant/Respondent No.2.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 30.06.2022, passed by Ld. Additional Sessions Judge-III, Bhagalpur-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Bhagalpur SC/ST P.S. case no. 31 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 354, 427, 504, 506, of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) SC/ST Act), whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is



that on 04.10.2021 at around 10:00 pm the accused persons assaulted and abused the informant and her family members. It is also alleged that the accused persons tore the clothes of the informant's daughter-in-laws.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the allegation against the appellant is general and omnibus in nature. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 05.02.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in one other case.

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, **the appeal is allowed**, setting aside the impugned order dated 30.06.2022, passed by Ld. Additional Sessions Judge-III, Bhagalpur-cum-Special Judge (SC/ST Act), Bhagalpur, 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. Additional Sessions Judge-III, Bhagalpur-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Bhagalpur SC/ST P.S. case no. 31 of 2021, **after framing of charge, if already not framed**, 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 criminal antecedents other than the disclosed one, 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, 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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