

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3104 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Md. Javed @ Rahul Son Of Late Kamruddin R/O Village- Dhiranpatti, P.S.-
Mushahari, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Paswan Son Of Kailash Paswan R/O Mohalla- Pani Tanki Chowk,
Paswan Tola, P.S.- Mithanpura, District- Muzaffarpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3220 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Vasim @ Babar Son of Md. Sharij @ Shamim Alam R/V- Dhiranpatti Bela,
P.s- Mithanpura, Dist- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3104 of 2022)

For the Appellant/s : Mr. Hari Kishore Thakur

For the Respondent No.1: Mr. Usha Kumari 1

For the Respondent No.2: Mr. Prem Kumar Paswan Adv.

(In CRIMINAL APPEAL (SJ) No. 3220 of 2022)

For the Appellant/s : Mr. Jay Prakash Sharma

For the Respondent No.1: Mr. Usha Kumari 1

For the Respondent No.2: Ms. Manju Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 Heard Ld. counsel for the appellants and Ld. APP

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 12.07.2022, passed by the Ld. 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST Act, Muzaffarpur, in connection with Mithanpura P.S. Case No. 150 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) / 2 (va) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that on 15.05.2022 at around 04:00 PM, accused appellants along-with their associates assaulted and abused the informant by taking his caste name.

Ld. counsel for the appellants submits that the appellant are innocent and have falsely been implicated in this case. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that allegation under Section 307 is not attracted because there is no intention on the part of accused person to kill him.

He further submits that the appellants have been



languishing in jail since 16.05.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant, namely, Md. Javed @ Rahul has earlier been made accused in one other case whereas appellant, namely, Vasim @ Babar has 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 informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 12.07.2022, passed by Ld. 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST Act, Muzaffarpur, and directing the appellants to be released 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. 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST Act,



Muzaffarpur in connection with Mithanpura P.S. Case No. 150 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 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 appellants have criminal antecedents other than the disclosed one, Ld. trial court 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 trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

(vi) It is clarified that in case any harm is caused to the informant and influence any witness, the bail bond will be cancelled.

Ld. counsel for the appellants 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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