

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3217 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

1. Monu Yadav @ Monu Kumar, Son of Chandrama Yadav @ Chandrma Singh R/V- Dhankadha, P.S- Dhowdareh O.P. Sasaram Muffasil, Dist- Rohtas
2. Sonu Yadav @ Sonu Kumar, Son of Chandrama Yadav @ Chandrma Singh R/V- Dhankadha, P.S- Dhowdareh O.P. Sasaram Muffasil, Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratima Devi Wife of Late Wakil Ram R/V- Dhankadha, P.s- Dhowdarh O.P. Sasaram (Muffasil), Dist-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmatma Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Chandra Mohan Jha
		Mr. Rakesh Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 Heard Ld. counsel for the appellants and Ld.
Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order, dated 12.07.2022, passed by the Ld. Additional District and Sessions Judge 17th cum Special Judge S/C and S/T, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P. S. Case No. 155 of 2022, registered for the offences punishable under Sections 147, 148, 149, 302, 323, 504, 506 and 120(B) of the Indian Penal Code; Section 27 of the Arms Act, 1959; and



Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that the appellants along with their associates had killed the son of the husband of the informant, when he had gone for his earning.

Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that even as per the F.I.R., the appellants are not the assailants. At most, they can only be said to be the member of the unlawful assembly. He also submits that the allegation of assault is against co-accused, Anil Singh Yadav, Harendra Singh Yadav and Govardhan Singh Yadav, but there is no allegation of any overt act against the present appellants. He further submits that similarly situated co-accused persons, namely, Lavkush Yadav and Ramashish Yadav have already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 07.12.2022, passed in Criminal Appeal (SJ) No. 2764 of



2022 and Criminal Appeal (SJ) No. 3123 of 2022, respectively.

He further submits that the appellants have been languishing in jail since 07.05.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant no. 1 and appellant no. 2 have earlier been made accused in two and five cases, respectively.

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 the 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. Additional District and Sessions Judge 17th cum Special Judge S/C and S/T, Rohtas at Sasaram, 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. Additional District and Sessions Judge 17th cum Special Judge S/C and S/T, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P. S. Case No. 155 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.

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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