

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3596 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- SAHPUR District- Patna

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Shyam Babu Rai @ Sham Babu Yadav @ Shyam Babu Yadav @
Shayambabu Rai @ Shyam Babu Ray Son of Late Rameshwar Rai @ Late
Ram ishwar Ray Resident of Village- Usari, Post Office- Shikarpur, P.S.-
Shahpur, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. MIRA DEVI @ MEERA DEVI Wife of Binod Das Resident of Village-
Usari, Post Office- Shikarpur, P.S.- Shahpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ravi Shanker Pankaj
For the Respondent/s	:	Mr. Sadanand Paswan
For Informant	:	Mr. Adli Abbas

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 3 27-02-2023 Heard Ld. counsel for the appellant, Ld. Special Public
Prosecutor for the State and Ld. Counsel for the Informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 15.09.2022,
passed by Ld. Special Judge SC/ST, Patna of Exclusive
Special Court SC/ST Act, Patna in connection with Shahpur
P.S. Case No. 112 of 2022, registered for the offences
punishable under Sections 341, 323, 307, 354B and 34 of
the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST
(POA) Act, whereby bail has been denied to the appellant.



The prosecution story as emerges from the FIR is that when the informant and her daughter were going to market, the petitioner and his associates came there and started assaulting them with iron rod and hammer with intention to kill them. Allegation of abusing the informant and her daughter by taking their caste name is also there.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that as per the injury report, the alleged injury is simple in nature. He also submits investigation in this case is complete and charge-sheet has already been submitted but charge has not framed till date.

He further submits that the appellant has been languishing in jail since 06.07.2022.

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 moved this Court earlier for anticipatory bail vide Cr. Appeal (SJ) No. 1627 of 2022.



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 15.09.2022, passed by Ld. Special Judge SC/ST, Patna of Exclusive Special Court SC/ST Act, Patna, and directing the appellant to be released 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, Patna of Exclusive Special Court SC/ST Act, Patna in connection with Shahpur P.S. Case No. 112 of 2022, **after framing of charge, if not already 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.

However, in case he repeat any offence against the victim in this case his bail bond will be cancelled subject to the satisfaction of the Court that case did not based on false allegation.

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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