

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3558 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- SABAUR District- Bhagalpur

Dilip Singh @ Dilip Kumar Singh S/o Radhe Singh Resident of village-
Swarupchak, P.S.- Goradih (Sabour), District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhaksi Devi @ Aksi Devi W/o Hull Das Resident of Village- Sarupchak P.S.-
Goradih, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Upadhyaya
For the Respondent no.1 : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 28.06.2022,

passed by Ld. 3Rd Additional District and Sessions Judge

-cum- Special Judge SC/ST, Bhagalpur, in connection with

Sabour (Goradih P.S. Case No. 232 of 2021 (giving rise to

Spl. SC/ST case no. 75 of 2021, registered for the offences

punishable under Sections 341/ 323/ 325/ 307/ 447/ 504/

506/34 of the Indian Penal Code and Section 03(1)(r),(5),

3(2)(va) of the SC/ST Act , whereby bail has been denied to



the appellant.

The prosecution case as emerges from the FIR is that on 03.09.2021, when the informant was cutting grass in the field of one Om Prakash Singh, the appellant and other co-accused persons came there and asked her not to cut grass. Further, when the informant returned to her house they also reached there and started abusing her by taking caste name and assaulted her with lathi and iron rod. Moreover, when her son came to rescue her, he also sustained injury due to assault.

Ld. counsel for the appellant submits that the appellant is innocent and have falsely been implicated in this case. He also submits that there is case and counter case and the allegation against the appellant is general and omnibus in nature. He further submits that co-accused, namely, Ram Swarup Singh, has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 22.09.2022, passed in Cr. Misc. No. 1713 of 2022. He also submits that charge-sheet in this case has already been submitted.



He further submits that the appellant has been languishing in jail since 15.05.2022.

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

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 in the present matter.

However, Ld. Special Public Prosecutor for the State 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 28.06.2022, passed by Ld. 3Rd Additional District and Sessions Judge -cum- Special Judge SC/ST, Bhagalpur, 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. 3Rd Additional District and Sessions Judge -cum- Special Judge SC/ST, Bhagalpur in connection with Sabour (Goradih P.S. Case No. 232 of 2021 (giving rise to



Spl. SC/ST case no. 75 of 2021 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 any criminal antecedents, the 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,



the 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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