

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3727 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- BELAGANJ District- Gaya

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Raj Kumar Yadav @ Raj Kumar S/o Dinesh Yadav R/o Village- Salepur, P.S.-
Belaganj, Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Kumar S/o Ramswaroop Ram R/o Village- Shalepur, P.S.- Belaganj,
Distt- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	: Mr. Sunil Kumar Yadav
For the Respondent/s	: Ms. Usha Kumari 1
For the Respondent no.2	: Mr. Ram Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

Public Prosecutor 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 20.08.2022,

passed by Ld. Exclusive Special Judge SC/ST, Gaya in

connection with Belaganj P.S. Case No. 182 of 2022,

registered for the offences punishable under Sections 147,

149, 341, 323, 324, 307, 504, 506 of the Indian Penal

Code and 3(i)(r)(s), 3(2)(v-a), of the SC/ST Act, whereby

bail has been denied to the appellant.

The prosecution case as emerging from the FIR is



that on 30.04.2022 when the informant went to cast vote in Shalepur primary school the accused persons had already captured the booth and did not allow the informant to cast vote. Further, when one Bhola Ram raised objection against the capturing of booth they abused him by taking caste name and also assaulted him on his head with iron rod. Moreover, when his family members came to his rescue, they were also assaulted.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that injury is not caused on vital part of the body of the alleged-victim. 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 05.08.2022.

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 and Ld. Counsel for the 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 20.08.2022, passed by Ld. Exclusive Special Judge SC/ST, Gaya, 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. Exclusive Special Judge SC/ST, Gaya in connection with Belaganj P.S. Case No. 182 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 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.

chandan/-

(Jitendra Kumar, J)

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