

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3769 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- PURNEA SADAR District- Purnia

SANJAY KUMAR SINGH S/O JAYBIHARI SINGH Resident of Village-
Srinagar, Dimiya Chhatrgan, P.S.- Ranipatra, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. PANO DEVI W/O RAGHUNATH RISHI Resident of Village- Srinagar, Pir
Asthana, P.S.- Mufassil, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar Agrawal
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No-2:	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 3 28-02-2023 Though appearance has been entered in on behalf

of the Informant/Respondent No.2 but nobody appears on

behalf of the Informant/Respondent No.2.

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 14.10.2022,

passed by Ld. Special Judge SC/ST Act, Purnea in

connection with Mufassil P.S. Case No. 202 of 2022,

registered for the offences punishable under Sections 341,

323 and 354(B) of the Indian Penal Code and Section 3(i)(s)



of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the informant is the caretaker of Pir Baba Mazar. It is further alleged that on 20.03.2022 when she went to get her tube-well installed, the appellant and his associates came there and started assaulting and abusing her by taking her caste name.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He also submits that the name of the petitioner is dragged in this case due to dirty village politics. He also submits that similarly situated accused-appellant, namely, Ramesh Singh has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Appeal (SJ) No. 2307 of 2022.

He further submits that the appellant has been languishing in jail since 10.09.2022.

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.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 14.10.2022, passed by Ld. Special Judge SC/ST Act, Purnea, and directing the appellant to be enlarged 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 Act, Purnea in connection with Mufassil P.S. Case No. 202 of 2022, 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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