

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4102 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Pintu Singh Parmar S/O Prabhu Nath Singh Resident of Village- Sandha
Newazi Tola, P.S.- Chapra Muffasil District- Saran at Chapra (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Prasad S/O Late Jai Mangal Prasad Resident of village-
Umanagar, Ward No-05, P.S.- Chapra Muffasil, District- Saran at Chapra
(Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-03-2023 Heard learned counsel appearing for the appellant
and learned Special Public Prosecutor for the State.

Learned Special P.P. for the State submits that pursuant to the order dated 02.02.2023, she has sent an e-mail to the concerned Superintendent of Police but she is not in a position to inform this Court on which date she had sent e-mail to the concerned Superintendent of Police.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for bail by order dated 18.10.2022 passed by the learned 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran at Chapra in connection



with Chapra Muffasil P.S. Case No. 91 of 2022 registered under Sections 302, 120(B), 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Schedule Caste & Schedule Tribe (Prevention of Atrocity) Act

As per prosecution case, son of the informant was shot dead and the informant named the appellant who snatched the keys of bike of the son of the informant from him and had been demanding Rs. 15,000/- for return of the bike. Further allegation against the appellant and other co-accused persons is that they conspired together and killed the son of the informant whom they used to threaten.

Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that there is no eye witness of the alleged occurrence and on the basis of suspicion the appellant has been falsely implicated in the present case. He further submits that co-accused person namely Aman Kumar Singh @ Aman Singh has been granted bail by a Coordinate Bench of this Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 2140 of 2022 and another co-accused Ritik Kumar @ Ritik Pandey @ Ravi Shankar Pandey has been granted bail by a Coordinate Bench of this Court vide order



dated 12.01.2023 passed in Cr. APP (SJ) No. 2998 of 2022 and the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 07.05.2022.

Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries five more cases other than the present one in which the appellant is on bail in all the five cases.

Considering the facts and circumstance of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Chapra Muffasil P.S. Case No. 91 of 2022, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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