

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4151 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- KESARIA District- East Champaran

Pyare Khan Son Of Kabir Khan R/O Village- Dariyapur, P.S.- Sangrampur,
District- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lakshman Paswan @ Lakshuman Paswan Son Of Basawan Paswan R/O
Village- Dulahin Bazar, P.S.- Dulhin Bazar, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent	:	Mr. Avinash Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-07-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 03.11.2022
passed by the learned Special Judge, SC/ST East Champaran,
Motihari in connection with Keshariya P.S. Case No. 234 of
2022, F.I.R. dated 25.05.2022 registered under Sections 395,
397, 328 of the Indian Penal Code and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, all the accused
persons including the appellant on the point of gun, looted Rs.



14,000/-, one mobile phone and the loaded truck which was driven by the informant.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. He further submits that the appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation. He further submits that as per the prosecution, the appellant was arrested along with the truck in question. He further submits that there is non-compliance of Section 100 of Cr.P.C. and thereafter, the confessional statement of the appellant was recorded. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 26.05.2022.

Learned learned counsel appearing on behalf of the Respondent No. 2 as well as Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the truck in question has been recovered from the possession of the appellant apart from that the appellant has also confessed his guilt. They further submits that the appellant carries one criminal antecedent other than the present one.

Considering the facts and circumstances of the case



and the period of custody, 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 Special Judge SC/ST Act, East Champaran, Motihari in connection with Keshariya P.S. Case No. 234 of 2022, with other 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 appellants tampers with the evidence or the witnesses, 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)

Vanisha/-

U		T	
---	--	---	--

